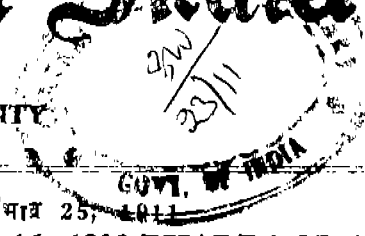




भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY



सं० 37]
No. 37]

नई दिल्ली, शनिवार, सितम्बर 16, 1989/माघ 25, 1911
NEW DELHI, SATURDAY, SEPTEMBER 16, 1989/BHADRA 25, 1911

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India (other than
the Ministry of Defence)

विधि एवं न्याय मंत्रालय
(विधि कार्य विभाग)

सूचनाएं

नई दिल्ली, 8 अगस्त, 1989

का.आ. 2199.—नोटरीज नियम, 1956 के नियम
6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी
जाती है कि कुमारी कुबरा नज्मुद्दीन बली करीम वालिया
ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन
एक आवेदन इस बात के लिए दिया है कि उसे, अहमदाबाद
गुजरात में व्यवसाय करने के लिए, नोटरी के रूप में नियुक्ति
पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के
चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5 (44)/89-न्या.]

MINISTRY OF LAW AND JUSTICE
(Department of Legal Affairs)
NOTICES

New Delhi, the 8th August, 1989

S.O. 2199.—Notice is hereby given by the Competent
Authority in pursuance of rule 6 of the Notaries, 1956, that
application has been made to the said Authority, under rule 4
of the said Rules, by Miss. Kubru Najmudin Valikarimwala
for appointment as a Notary to practise in Ahmedabad.

2. Any objection to the appointment of the said person as
a Notary may be submitted in writing to the undersigned
within fourteen days of the publication of this Notice.

[No. F 5(44)/89-Judl.]

नई दिल्ली, 18 अगस्त, 1989

का.आ. 2200.—नोटरीज नियम, 1956 के नियम
6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी
जाती है कि श्री रमेश चन्द्र शर्मा एयवोकेट ने उक्त प्राधि-

कारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे अजमेर (राज.) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5/47/89-न्या.]

New Delhi, the 18th August, 1989

S.O. 2200.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Ramesh Chander Sharma, Advocate for appointment as a Notary to practise in Ajmer (Raj).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(47)/89-Judl.]

का.आ. 2201.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री राजेन्द्र सिंह एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे श्री गंगा नगर, राजस्थान में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5 (49)/89-न्या.]

S.O. 2201.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Rajinder Singh Advocate for appointment as a Notary to practise in Sri Ganganagar (Raj).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. (49)/89-Judl.]

का.आ. 2202.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री जनार्दन शर्मा एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे पुष्कर सब डिवीजन अजमेर में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5 (48)/89-न्या.]

S.O. 2202.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Janardan Sharma, Advocate for appointment as a Notary to practise in Pushkar, Sub Division Ajmer, (Raj).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(48)/89-Judl.]

नई दिल्ली, 21 अगस्त, 1989

का.आ. 2203.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री शिमोगा सुब्बन्ना एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे बंगलूर में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5 (50)/89-न्या.]

New Delhi, the 21st, August, 1989

S.O. 2203.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that application has been made to the said Authority under rule 4 of the said Rules, by Shri Shimoga Subbanna, Advocate for appointment as a Notary to practise in urban & Rural area, of Bangalore.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(50)/89-Judl.]

नई दिल्ली, 25 अगस्त, 1989

का.आ. 2204.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री तेजाकान्त शिवा लिंगायथा एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे गोकक तालुक बेलगाम जिला, में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5 (52)/89-न्या.]

New Delhi, the 25th August, 1989

S.O. 2204.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Tejakant Shivalingayya Nandimath for appointment as a Notary to practise in Gokak Taluk Dist. Belgaum Karnataka.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(52)/89-Judl.]

का.आ. 2205.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री अशोक कुमार बासु एडवोकेट ने उक्त

प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे सिलीगुड़ी, उत्तरी कलकत्ता व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5 (53)/89—न्या.]

के डी सिंह, सक्षम प्राधिकारी

S.O. 2205.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Asoke Kumar Basu, Advocate for appointment as a Notary to practice in Siliguri W/Bengal.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(53)/89-Judl.]

K. D. SINGH, Competent Authority

गृह मंत्रालय

(आन्तरिक सुरक्षा विभाग)

(पुनर्वास प्रभाग)

नई दिल्ली, 23 अगस्त, 1989

का.आ. 2206.—केन्द्रीय सरकार की यह राय है कि मध्य प्रदेश, बिहार, उड़ीसा, पंजाब, हरियाणा, गुजरात, महाराष्ट्र, आन्ध्र प्रदेश, तमिलनाडु, कर्नाटक, केरल, राजस्थान, उत्तर प्रदेश राज्यों और दिल्ली संघ राज्य क्षेत्र में इसने उपाबद्ध अनुसूची, में विनिर्दिष्ट निष्क्रान्त सम्पत्तियों का सार्वजनिक प्रयोजन के लिए अर्जन करना आवश्यक है। इस प्रयोजन का संबंध विस्थापित व्यक्तियों की राहत और पुनर्वास से है जिसमें ऐसे व्यक्तियों को प्रतिकर का संदाय करना भी है।

अतः अब विस्थापित व्यक्ति (प्रतिकर और पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 12 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह अधिसूचित किया जाता है कि केन्द्रीय सरकार ने इससे उपाबद्ध अनुसूची में विनिर्दिष्ट निष्क्रान्त सम्पत्तियों का अर्जन करने का विनिश्चय किया है और उक्त सम्पत्तियों का अर्जन करती है।

अनुसूची

मध्य प्रदेश, बिहार, उड़ीसा पंजाब, हरियाणा, गुजरात, महाराष्ट्र, आन्ध्र प्रदेश, तमिलनाडु, कर्नाटक, केरल, राजस्थान, उत्तर प्रदेश के राज्यों तथा दिल्ली संघ राज्य क्षेत्र में सभी निष्क्रान्त सम्पत्तियों जो विभाजन में अभिरक्षक के हिस्से में आवंटित की गई हैं या जो निष्क्रान्त हित (पृथक्करण) अधिनियम, 1951 (1951 का 64) की धारा 11 के अधीन 30 जून, 1989 तक, उक्त अधिनियम के उपबंधों के अधीन सक्षम अधिकारी के न्याय-निर्णय के परिणाम-

स्वरूप, अभिरक्षक में निहित हो गई है अथवा जो 30 जून, 1989 तक उक्त अधिनियम की धारा 9 की उपधारा (2) के अधीन बंधक के निर्वाचन के फलस्वरूप अभिरक्षक में अन्यथा निहित हो गई है, और जिनकी बाबत कोई अपील फाइल नहीं की गई है, और यदि फाइल की भी गई है तो उन्हें अपील-अधिकारी द्वारा रद्द कर दिया गया है।

[संख्या-12 (1)/83-एस.एस.-1]

कुलदीप राय, उप सचिव

MINISTRY OF HOME AFFAIRS

(Department of Internal Security)

(Rehabilitation Division)

New Delhi, the 23rd August, 1989

S.O. 2206.—Whereas the Central Government is of opinion that it is necessary to acquire the evatee properties specified in the Schedule hereto annexed in the States of Madhya Pradesh, Bihar, Orissa, Punjab, Haryana, Gujarat, Maharashtra, Andhra Pradesh, Tamil Nadu, Karnataka Kerala, Rajasthan, Uttar Pradesh and the Union Territory of Delhi for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the evatee properties specified in the Schedule hereto annexed.

SCHEDULE

All evatee properties in the States of Madhya Pradesh, Bihar, Orissa, Punjab, Haryana, Gujarat, Maharashtra, Andhra Pradesh, Tamil Nadu, Karnataka Kerala, Rajasthan, Uttar Pradesh and the Union Territory of Delhi which have been allotted to the share of Custodian in partition or have vested in the Custodian under section 11 of the Evatee Interest (Separation) Act, 1951 (64 of 1951), as a result of adjudication by the Competent Officer under the provisions of the said Act upto 30th June, 1989 or which have otherwise vested in the Custodian as a result of extinguishment of the mortgage under sub-section (2) of Section 9 of the said Act upto 30th June, 1989 and in respect of which no appeals have been filed, and if filed have been rejected by the appellate Officer.

[No. 12(1)/83-SS.I]

KULDIP RAI, Dy. Secy.

कार्मिक लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 21 अगस्त, 1989

का.आ. 2207.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परस्तुत द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:—

1. (1) इन नियमों का संक्षिप्त नाम केन्द्रीय सिविल सेवा (वर्गीकरण) नियंत्रण और अपील संशोधन नियम, 1989 है।

(2) वे राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 की अनुसूची में,—

(1) भाग 1 में क्रम सं. 22 के सामने "तार इंजीनियरी सेवा समूह 'क'" शब्दों के स्थान पर "भारतीय दूर-संचार सेवा समूह 'क'" शब्द रखे जाएंगे;

(2) भाग 2 में, क्रम सं. 9 के सामने, स्तम्भ 2 के नीचे "तार इंजीनियरी सेवा समूह 'ख'" शब्दों के स्थान पर "दूरसंचार इंजीनियरी सेवा समूह 'ख'" शब्द रखे जाएंगे।

[संख्या 11012/3/89-स्था. (क)]

के. सरकार, उप सचिव

वाद टिप्पण: मूल नियम/आदेश अधिसूचना सं. 7/2/63-स्था.

(क), तारीख 20-11-1975 द्वारा प्रकाशित किए गए थे। तत्पश्चात उनका संशोधन भारत के राजपत्र, भाग 2, खण्ड 3, उपखंड (2) में प्रकाशित अधिसूचनाओं द्वारा निम्नलिखित संख्यांक और तारीख के अधीन किया गया :—

1965 का.आ. 1149 तारीख 13-4-66
का.आ. 1596 तारीख 4-6-66
का.आ. 2007 तारीख 9-4-66
का.आ. 2648 तारीख 2-9-66
का.आ. 2854 तारीख 1-10-66

1967 का.आ. 1282 तारीख 15-4-67
का.आ. 1457 तारीख 29-4-76
का.आ. 3253 तारीख 16-9-67
का.आ. 3530 तारीख 7-10-67
का.आ. 4151 तारीख 25-11-67

1968 का.आ. 821 तारीख 9-3-68
का.आ. 1441 तारीख 27-4-68
का.आ. 1870 तारीख 1-6-68
का.आ. 3423 तारीख 28-9-68

1969 का.आ. 5008 तारीख 27-12-69

1970 का.आ. 397 तारीख 7-2-70

1971 का.आ. 35217 तारीख 25-9-71
का.आ. 249 तारीख 1-1-72

1972 का.आ. 990 तारीख 22-4-72
का.आ. 1600 तारीख 1-7-72
का.आ. 2789 तारीख 14-10-72

1973 का.आ. 929 तारीख 31-3-73

1974 का.आ. 1648 तारीख 6-4-74

1976 का.आ. 2742 तारीख 31-7-76
का.आ. 4664 तारीख 11-12-76

1977 का.आ. 3062 तारीख 8-10-77

का.आ. 3573 तारीख 26-11-77

का.आ. 3574 तारीख 26-11-77

का.आ. 3671 तारीख 3-12-77

1978 का.आ. 2464 तारीख 2-9-78

का.आ. 2465 तारीख 2-9-78

1979 का.आ. 920 तारीख 17-2-79

1980 का.आ. 1769 तारीख 5-7-80

1981 का.आ. 264 तारीख 24-1-81

का.आ. 2126 तारीख 8-8-81

का.आ. 2203 तारीख 22-8-81

का.आ. 2512 तारीख 3-10-81

1982 का.आ. 168 तारीख 23-1-82

1985 अधिसूचना सं. 11012/15/84-स्था. (क)
तारीख 5-7-85

अधिसूचना सं. 11012/5/85-स्था. (क)
तारीख 29-7-85

का.आ. 812 तारीख 31-8-85

का.आ. 195 तारीख 25-1-86

अधिसूचना सं. 11012/8/85-स्था. (क)
तारीख 11-12-85

अधिसूचना सं. 11012/24/85-स्था. (क)
तारीख 26-11-86

1987 का.आ. 830 तारीख 28-3-87

का.आ. 831 तारीख 28-3-87

का.आ. 1591 तारीख 27-6-87

का.आ. 1825 तारीख 18-7-87

1988 का.आ. 3060 तारीख 15-10-88

का.आ. 3061 तारीख 15-10-88

MINISTRY OF PERSONNEL P.G. & PENSIONS

(Department of Personnel & Training)

New Delhi, the 21st August, 1989

S. O. 2207.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby makes the following rules further to amend the Central Civil, Services (Classification, Control and Appeal) Rules, 1965, namely:—

- (1) The rules may be called the Central Civil Services (Classification, Control and Appeal) Amendment Rules, 1989.
- (2) They shall come into force on the date of their publication in the official gazette.

2. In the Schedule to the Central Civil Services (Classification, Control and Appeal) Rules 1965:—

- (i) in part I, against the serial No. 22 for the words "Telegraph Engineering Service Group 'A'" the words "Indian Telecommunications Service Group A" shall be substituted.
- (ii) in part II, against the serial No. 9, under column 2 for the words "Telegraph Engineering Service Group B" the words "Telecommunication Engineering Service Group B" shall be substituted.

[No. 11012/3/89-Ests.(A)]

K. SARKAR, Dy. Secy.

Note: Principal rules/order published vide Notification No. 7/2/63-Estt.(A) dated 20-11-1965. Subsequently amended by Notifications published in the Gazette of India Part II Section 3 Sub-Section (ii) under the following number and date:

1966 S.O. 1149 dated 13-4-66
S.O. 1596 dated 4-6-66
S.O. 2007 dated 9-7-66
S.O. 2648 dated 2-9-66.
S.O. 2854 dated 1-10-66.

1967 S.O. 1282 dated 15-4-67.
S.O. 1457 dated 29-4-67.
S.O. 3253 dated 16-9-67.
S.O. 3530 dated 7-10-67.
S.O. 4151 dated 25-11-67

1968 S.O. 821 dated 9-3-68.
S.O. 1441 dated 27-4-68.
S.O. 1870 dated 1-6-68.
S.O. 3423 dated 28-9-68.

1969 S.O. 5008 dated 27-12-69.

1970 S.O. 397 dated 7-2-70

1971 S.O. 35217 dated 25-9-71.
S.O. 249 dated 1-1-1972

1972 S.O. 990 dated 22-4-72.
S.O. 1600 dated 1-7-72.
S.O. 2789 dated 14-10-72.

1973 S.O. 929 dated 31-3-73.

1974 S.O. 1648 dated 6-7-74.

1976 S.O. 2742 dated 31-7-76.
S.O. 4664 dated 11-12-76.

1977 S.O. 3062 dated 8-10-77.
S.O. 3573 dated 26-11-77.
S.O. 3574 dated 26-11-77.
S.O. 3671 dated 3-12-77.

1978 S.O. 2464 dated 2-9-78.
S.O. 2465 dated 2-9-78.

1979 S.O. 920 dated 17-2-79.

1980 S.O. 1769 dated 5-7-80.

1981 S.O. 264 dated 24-1-81.
S.O. 2126 dated 8-8-81.
S.O. 2203 dated 22-8-81.
S.O. 2512 dated 3-10-81.

1982 S.O. 168 dated 23-1-82

1985 Notification No. 11012/15/84-Estt.(A)
dated 5-7-85

Notification No. 11012/5/85-Estt.(A)
dt. 29-7-85.

S.O. 812 dated 31-8-85.

S.O. 195 dated 25-1-86.

Notification No. 11012/8/85-Estt.(A)
dt. 11-12-85.

Notification No. 11012/24/85-Estt.(A)
dated 26-11-86.

1987 S.O. 830 dated 28-3-87
S.O. 831 dated 28-3-87.
S.O. 1591 dated 27-6-87.
S.O. 1825 dated 18-7-87.

1988 S.O. 3060 dated 15-10-88
S.O. 3061 dated 15-1-88.

आदेश

नई दिल्ली, 28 अगस्त, 1989

का.आ. 2208—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित, धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उड़ीसा, तमिलनाडु, गोवा, अरुणाचल प्रदेश, राजस्थान, उत्तर प्रदेश, मणिपुर, मेघालय, बिहार, हरियाणा, कर्नाटक, मध्य प्रदेश, हिमाचल प्रदेश, महाराष्ट्र, मिजोरम और पंजाब राज्य सरकारों की सहमति से, दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तार निम्नलिखित अपराधों के अन्वेषण के लिए संपूर्ण उड़ीसा, तमिलनाडु, गोवा, अरुणाचल प्रदेश,

राजस्थान, उत्तर प्रदेश, मणिपुर, मेघालय, बिहार, हरियाणा, कर्नाटक, मध्य प्रदेश, हिमाचल प्रदेश, महाराष्ट्र, मिजोरम और पंजाब राज्यों पर करती है :—

- (क) आतंकवादी और विध्वंसकारी क्रियाकलाप (निवारण) अधिनियम, 1987 (1987 का 28) की धारा 3 और धारा 4 के अधीन दण्डनीय अपराध ।
- (ख) आतंकवादी और विध्वंसकारी क्रियाकलाप (निवारण) नियम, 1987 जिन्हें आतंकवादी और विध्वंसकारी क्रियाकलाप (निवारण) अधिनियम, 1987 की धारा 28 के अधीन बनाया गया है ।
- (ग) ऊपर वर्णित एक या अधिक अपराधों के संबंध में या उनसे संसक्त प्रयत्नों, बुद्धिपूर्ण और षड्यंत्रों के और उन्हीं तथ्यों से उत्पन्न होने वाले वैसे संव्यवहार के अनुक्रम में किए गए किसी अन्य अपराधों या अपराधों के संबंध में ।

[संख्या 228/18/87-ए.वी.डी. (II)]

जी. सीतारामन, अवर सचिव

ORDER

New Delhi, the 28th August, 1989

S.O. 2208.—In exercise of the powers, conferred by sub-section (1) of section 5, read with section 6, of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946) the Central Government, with the consent of the State Governments of Orissa, Tamil Nadu, Goa, Arunachal Pradesh, Rajasthan, Uttar Pradesh, Manipur, Meghalaya, Bihar, Haryana, Karnataka, Madhya Pradesh, Himachal Pradesh, Maharashtra, Mizoram and Punjab hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Orissa, Tamil Nadu, Goa, Arunachal Pradesh, Rajasthan, Uttar Pradesh, Manipur, Meghalaya, Bihar, Haryana, Karnataka, Madhya Pradesh, Himachal Pradesh, Maharashtra, Mizoram and Punjab for investigation of offences as hereunder :—

- (a) Offences punishable under section 3 and 4 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (Act 28 of 1987).
- (b) The Terrorist and Disruptive Activities (Prevention) Rules, 1987 framed under section 28 of the Terrorist and Disruptive Activities (Prevention) Act, 1987.
- (c) Attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above any other offence or offences committed in the course of the same transaction arising out of the same facts.

[No. 228/18/87-AVD.II]

G. SITARAMAN, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 16 फरवरी, 1989

आयकर

का.आ. 2209—इस कार्यालय की दिनांक 2-3-88 की अधिसूचना सं. 7789 (फा.सं. 203/184/7-आ.कर. नि.-2) के अनुक्रम में, सर्व साधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खण्ड (ii) (पैतीस/एक/दो) के प्रयोजनों के लिए "संस्था" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है :—

(i) यह कि बिरला इंस्टीट्यूट आफ साइंटिफिक रिसर्च कलकत्ता अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रवेंगा ।

(ii) यह कि उक्त संस्था अपने वैज्ञानिक अनुसंधान, संबंधी कार्य-कलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रतिवर्ष 31 मार्च तक ऐसे प्रपत्रों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिक कथित किया जाए और उसे सूचित किया जाए ।

(iii) यह कि उक्त संस्था अपनी कुल आय तथा व्यय दर्शाते हुए अपने संवरीक्षित वार्षिक लेखों की तथा अपनी परिसम्पत्तियों, देनदारियों दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी के पास प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली, आयकर महानिदेशक (छूट), कलकत्ता तथा संबंधित आयकर आयुक्त के पास भेजेगा ।

(iv) यह कि उक्त संस्था केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली तथा आयकर महानिदेशक (छूट), कलकत्ता को अनुमोदन की समाप्ति से पूर्व अतिरिक्त अवधि बढ़ाने के लिए आवेदन करेगा । अनुमोदन की समाप्ति की तारीख के पश्चात प्राप्त होने वाले आवेदन पत्रों को रद्द कर दिया जाएगा ।

इंस्टीट्यूशन

बिरला इंस्टीट्यूट आफ साइंटिफिक रिसर्च कलकत्ता ।

यह अधिसूचना दिनांक 1-4-88 से 31-3-89 तक की अवधि के लिए प्रभावी है ।

[सं. 8189/फा.स. 203/283/88-आयकर नि.-2]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 16th February, 1989

INCOME-TAX

S.O. 2209.—In continuation of this Office Notification No. 7789 (F. No. 203/184/87-ITA.(II) dated 2-3-88 it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific & Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1962 under the Category 'Institution' subject to the following conditions:—

- (i) That Birla Institute of Scientific Research, Calcutta will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institution will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institution will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi DGIT (Exemption) Calcutta and the Concerned Commissioner of Income-tax.
- (iv) That the said Institution will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

Birla Institute of Scientific Research, Calcutta. This Notification is effective for a period from 1-4-88 to 31-3-89

[No. 8189/F. No. 203/283/88-ITA III]

नई दिल्ली, 17 मार्च, 1989

आयकर

का.आ.—2210 इस कार्यालय की दिनांक 17-9-86 की अधिसूचना सं. 6927 (फा.सं. 203/141/86-आ.कर नि.-2) के अनुक्रम में, सर्व साधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खण्ड (ii) (पेंतीस/एक/दोतीन) के प्रयोजनों के लिए "संस्था" प्रवर्ग के अर्जीन निम्नलिखित शर्तों पर अनुमोदित किया है:—

(1) यह कि टुवेंटी फ़र्स्ट सेंचुरी इंडिया सोसाइटी चंडीगढ़ अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।

(2) यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी कार्य-कलापों की वार्षिक विवरणी, विहित प्राधिकारी

को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक तक ऐसे प्रपत्रों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए।

(3) यह कि उक्त संस्थान अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसम्पत्तियां, देनदारियां दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी के पास प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली, आयकर महानिदेशक (छूट), कलकत्ता तथा संबंधित आयकर आयुक्त के पास भेजेगा।

(4) यह कि उक्त संस्थान केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली तथा आयकर महानिदेशक (छूट), कलकत्ता को अनुमोदन की समाप्ति से पूर्व अतिरिक्त अवधि बढ़ाने के लिए आवेदन करेगा। अनुमोदन की समाप्ति की तारीख के पश्चात प्राप्त होने वाले आवेदन पत्रों को रद्द कर दिया जाएगा।

इंस्टीट्यूशन

टुवेंटी फ़र्स्ट सेंचुरी इंडिया सोसाइटी, चंडीगढ़।

यह अधिसूचना दिनांक 1-4-88 से 31-3-89 तक की अवधि के लिए प्रभावी है।

[सं. 8250/फा./सं. 203/16/88-आयकर नि.-2]

New Delhi, the 17th March, 1989

INCOME-TAX

S.O. 2210.—In continuation of this Notification No. 6927 (F. No. 203/141/86-ITA. II) dated 17-9-86 it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific & Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (iii) sub-section (1) of Section 35 (Thirty Five/One/Three) of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1962 under the Category "Institution" subject to the following conditions:—

- (i) That Twenty First Century India Society, Chandigarh Will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets, liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi, DGIT (Exemption) Calcutta and the Concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION/ASSOCIATION

Twenty First Century India Society, Chandigarh. This Notification is effective for a period from 1-4-88 to 31-3-89.

[No. 8250/F. No. 203/16/88-ITA-II]

आयकर

का.आ. 2211--इस कार्यालय की दिनांक 14-2-1986 की अधिसूचना सं. 6594 (फा.सं. 203/108/85-आ. कर नि.-2) के अनुक्रम में, सर्वेसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खण्ड (ii) (वैनीस/एक/दो) के प्रयोजनों के लिए "इंस्टीट्यूशन" प्रवर्ग के अर्थात् निम्नलिखित शर्तों पर अनुमोदित किया है :--

(1) यह कि श्री सोहनलाल जैन विद्या प्रसारक समिति, फरीदाबाद अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।

(2) यह कि उक्त इंस्टीट्यूट अपने वैज्ञानिक अनुसंधान संबंधी कार्य-कलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे प्रपत्रों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए।

(3) यह कि उक्त इंस्टीट्यूट अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरिचित वार्षिक लेखों की तथा अपनी परिसम्पत्तियां, देनदारियां दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी के पास प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली, आयकर महानिदेशक (छूट), कलकत्ता तथा संबंधित आयकर आयुक्त के पास भेजेगा।

(4) यह कि उक्त इंस्टीट्यूट केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली तथा आयकर महानिदेशक (छूट), कलकत्ता को अनुमोदन की स्थापित से पूर्व अतिरिक्त अवधि बढ़ाने के लिए आवेदन करेगा। अनुमोदन की स्थापित की तारीख के पश्चात् प्राप्त होने वाले आवेदन पत्रों को रद्द कर दिया जाएगा।

इंस्टीट्यूशन/एसोसिएशन

श्री सोहनलाल जैन विद्या प्रसारक समिति, फरीदाबाद

यह अधिसूचना दिनांक 1-4-1988 से 31-3-1989 तक की अवधि के लिए प्रभावी है।

[सं. 8258/फा.सं. 203/32/88-आयकर नि.-2]

निशि नायर, अवर सचिव

INCOME-TAX

S.O. 2211.—In continuation of the Office Notification No. 6594 (F. No. 203/108/85-ITA. II) dated 14-2-86, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific & Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (iii) of sub-section (1) of Section 35 (Thirty Five/One/Three) of the Income-tax Act, 1961 read rule 6 of the Income-tax Rules, 1962 under the Category—"Institution" subject to the following conditions:—

(i) That Shri Sohanlal Jain Vidya Prasarak Samiti, Faridabad will maintain a separate account of the sums received by it for scientific research.

(ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.

(iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets, liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi, DGIT (Exemption) Calcutta and the Concerned Commissioner of Income-tax.

(iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

Shri Sohanlal Jain Vidya Prasarak Samiti, Faridabad.

This Notification is effective for a period from 1-4-88 to 31-3-89.

[No. 8258/F. No. 203/32/88-ITA-II]

NISHI NAIR, Under Secy.

नई दिल्ली, 7 जून, 1989

आयकर

का. आ. 2212--आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री शारदा मठ कलकत्ता तथा (ii) रामकृष्ण शारदा मिशन, कलकत्ता" को उक्त उपखण्ड के प्रयोजनार्थ कर निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8381/फा.सं. 197/115/89-आ.कर नि.-1]

दलीप सिंह, विशेष कार्य अधिकारी

New Delhi, the 7th June, 1989

INCOME-TAX

S.O. 2212.—In exercise of the powers conferred by sub-clause (V) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Sarada Math Calcutta and (ii) Ramakrishna Sarada Mission, Calcutta", for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8381/F. No. 197/115/89-IT(A-I)]

DALIP SINGH, Officer on Special Duty

नई दिल्ली, 1 अगस्त, 1989

आयकर

ORDER

New Delhi, the 21st August, 1989

STAMPS

का.आ. 2213:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 193 के परन्तुक के खण्ड (2ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा राष्ट्रीय आवास बैंक, नई दिल्ली द्वारा जारी किए गए 11.5 प्रतिशत राष्ट्रीय आवास बैंक बंध-पत्र, 2009 (प्रथम श्रृंखला) को उक्त खण्ड के प्रयोजनार्थ विनिर्दिष्ट करती है :

बशर्ते कि उक्त परन्तुक के अधीन लाभ ऐसे बंधपत्रों के अन्तरण के मामले में पृष्ठांकन अथवा वितरण के द्वारा केवल तभी अनुमत्य होगा यदि अन्तरिती ऐसे अन्तरण के साठ दिन की अवधि के भीतर पंजीकृत डाक द्वारा राष्ट्रीय आवास बैंक को सूचित करेगा।

[सं० 8426/का.स. 275/78/89-आ.कर (ब.)]

श्री. ई. एलैक्जेंडर, अवर सचिव

New Delhi, the 18 August, 1989

INCOME-TAX

S.O. 2213.—In exercise of the powers conferred by clause (iii) of the proviso to section 193 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby specifies the "11.5 per cent National Housing Bank Bonds, 2009 (First Series)" issued by the National Housing Bank, New Delhi for the purposes of the said clause;

Provided that the benefit under the said proviso shall be admissible in the case of transfer of such bonds, by endorsement or delivery, only if the transferee informs the National Housing Bank by registered post within a period of sixty days of such transfer.

[No. 8426 (F. No. 275/78/89-IT(B))]

B. F. ALEXANDER, Under Secy.

आदेश

नई दिल्ली, 21 अगस्त, 1989

स्टाम्प

का.आ. 2214—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 6 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा मै. इण्डिया फायरेस लि., कलकत्ता के केवल एक लाख सतासी हजार पांच सौ रुपये के उम समेकित स्टाम्प शुल्क का भुगतान करने की अनुमति प्रदान करती है जो उक्त कम्पनी द्वारा जारी किए जाने वाले केवल दो करोड़ पचास लाख रु. के कुल मूल्य के ऋणपत्रों के रूप में 100-100 रु. के 14% विमोच्य असम्परिवर्तनीय ऋणपत्रों पर स्टाम्प शुल्क के कारण प्रभावी है।

[सं० 45/89-स्टाम्प/का० सं० 31/50/89-बित्री कर]

S.O. 2214.—In exercise of the powers conferred by clause, (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the India Foils Limited, Calcutta to pay consolidated stamp duty of rupees One lakh Eighty seven thousand and five hundred only, chargeable on account of the stamp duty on 14 per cent Redeemable Non-convertible Debentures of Rs. 100 each bonds in the form of debentures of the total value of rupees two crores and fifty lakhs only to be issued by the said company.

[No. 45/89-Stamp/F. No. 31/50/89-ST]

आदेश

स्टाम्प

का.आ. 2215—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उम शुल्क को माफ करती है जो कि आवास और शहरी विकास निगम लि., नई दिल्ली द्वारा जारी किए जाने वाले राष्ट्रीय करोड़ रु. पात्र मूल्य के 11.5% ऋणपत्र-2006 XXXIV श्रृंखला के रूप में वर्णित ऋणपत्रों के रूप में बीडों पर उक्त अधिनियम के अन्तर्गत प्रभावी है।

[सं० 46/89-स्टाम्प-का० सं० 33/48/89-बित्री कर]

ORDER

STAMPS

S.O. 2215.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of Debentures, described as "11.50 per cent Debentures-2006 XXXIV Series", of the value of rupees forty crores only to be issued by Housing and Urban Development Corporation Limited, New Delhi are chargeable under the said Act.

[No. 46/89-Stamp-F. No. 33/48/89-ST]

आदेश

नई दिल्ली, 23 अगस्त, 1989

स्टाम्प

का.आ. 2216—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा मै. ई.पी. ई. इण्डस्ट्रीज लि., नई दिल्ली को केवल दो लाख पच्चीस हजार रु. के उक्त समेकित स्टाम्प शुल्क का भुगतान करने की अनुमति प्रदान करती है जो उक्त कम्पनी द्वारा जारी किए जाने वाले केवल तीन करोड़ रु. के कुल मूल्य के 100-100 रु. के बंधपत्रों के 3,00,000/- 15% सुरक्षित विमोच्य अपरिवर्तनीय ऋणपत्रों पर स्टाम्प शुल्क के कारण प्रभावी है।

[सं० 47/89-स्टाम्प-का० सं० 33/52/89-बित्री कर]

ORDER

New Delhi, the 23rd August, 1989

STAMPS

S.O. 2216.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. ECE Industries Ltd., New Delhi to pay consolidated stamp duty of rupees two lakhs and twenty five thousand only, chargeable on account of the stamp duty on 3,00,000 15 per cent secured Redeemable Non-convertible Debentures of Rs. 100 each bonds of the total value of rupees three crores only to be issued by the said company.

[No. 47/89-Stamps F. No. 33/52/89-ST]

का.आ. 2217:—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 8 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा म. ओरिएंट पेपर एण्ड इण्डस्ट्रीज लि. ब्रजराजनगर, उड़ीसा, को केवल तीन लाख बाईस हजार पांच सौ रु. के उस समेकित स्टाम्प शुल्क का भुगतान करने की अनुमति प्रदान करती है जो उक्त कम्पनी द्वारा जारी किए जाने वाले केवल चार करोड़ उनतासी लाख उनतासी हजार रु. के कुल मूल्य के 100-100 रु. (सं. 1 से 155 तक) के 4,30,000-14% असंपरिवर्तनीय सुरक्षित ऋणपत्रों (6 शृंखला) पर स्टाम्प शुल्क के कारण प्रभाव्य है।

[सं. 49/89-स्टाम्प - फा.सं. 33/62/89-बिक्री कर]

S.O. 2217.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Orient Paper and Industries Ltd., Brajaraj-nagar, Orissa to pay consolidated stamp duty of rupees three lacs twenty two thousand and five hundred only chargeable on account of the stamp duty on 4,30,000-14% non-convertible secured debentures (VI series) of Rs. 100 each (No. 1 to 155) of the total value or rupees four crores twenty nine lacs and thirty nine thousand only to be issued by the said company.

[No. 49/89-Stamps/F. No. 33/62/89-ST]

का.आ. 2218:—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा म. बी. सी.आर. लि., नई दिल्ली को केवल अठारह हजार मान सौ पचास रु. के उस समेकित स्टाम्प शुल्क का भुगतान करने की अनुमति प्रदान करती है जो उक्त कम्पनी द्वारा जारी किए जाने वाले केवल पच्चीस लाख रु. के कुल मूल्य के 100-100 रु. के (संख्या 1 से 25000 तक) 25000-15% असंपरिवर्तनीय विभाज्य ऋणपत्रों पर स्टाम्प शुल्क के कारण प्रभाव्य है।

[सं. 48/89-स्टाम्प- फा.सं. 33/61/89-बिक्री कर]
बी. आर. मेहमी, अवर सचिव

S.O. 2218.—In exercise of the powers conferred by clause (b) of Sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. BCR Ltd., New Delhi to pay consolidated stamp duty of rupees eighteen thousand, seven hundred and fifty only, chargeable on account of the stamp duty on 25,000 15% Non-Convertible Redeemable Debentures of Rs. 100 each (No. 1 to 25000) of the total value of rupees twenty five lacs only to be issued by the said company.

[No. 48/89-Stamps/F. No. 33/61/89-ST]

B. R. MEHMI, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

शुद्धिपत्र

नई दिल्ली, 11 अगस्त, 1989

का.आ. 2219:—भारत सरकार, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) की दिनांक 01 अगस्त, 1989 की अधिसूचना संख्या 15/2/89-आई. आर. की पाँचवीं पंक्ति में "जब तक वे" शब्दों के पश्चात् आए "इंडियन ओवरसीज बैंक" के स्थान पर "ओरिएंटल बैंक आफ कामर्स" पढ़ा जाये।

[संख्या 15/2/89-आई. आर.]

सहायक सचिव, अवर सचिव

नई दिल्ली, 21 अगस्त, 1989

का.आ. 2220:—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के तहत पंजीकृत बैंकों की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के प्रावधान कोडुवायूर को-ऑपरेटिव अर्बन बैंक लि., कोडुवायूर को इस अधिनियम के राजपत्र में प्रकाशित होने की तारीख से 30 जून 1990 तक की अवधि के लिए लागू नहीं होगा।

[संख्या एफ. 6-(2)/89-ए.सी.]

प्रवीण कुमार तेजयान, अवर सचिव

(DEPARTMENT OF ECONOMIC AFFAIRS)

(Banking Division)

New Delhi, the 21st August, 1989

S.O. 2220.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provision of Sub-section (1) of Section 11 of the said Act shall not apply to the Koduvayur Co-operative Urban Bank Ltd., Koduvayur for the period from the date of publication of this notification in the Gazette of India to 30th June 1990.

[F. No. 6(2)/89-AC]

P. K. TEJYAN, Under Secy.

नई दिल्ली, 21 अगस्त, 1989

का.आ. 2221 :—केन्द्रीय सरकार, औद्योगिक वित्त निगम अधिनियम, 1948 (1948 का 15) की धारा 21 की उप-धारा (2) के अनुसरण में भारतीय औद्योगिक वित्त निगम के निदेशक बोर्ड की सिफारिश पर उक्त निगम द्वारा 1 जुलाई, 1989 से 31 दिसम्बर, 1989 की अवधि के लिए जारी किए जाने वाले बांडों पर देय ब्याज की दर एतद्वारा 10% (दस प्रतिशत) वार्षिक निर्धारित करती है।

[फा.सं. 6(21)-आई.एफ.-I/88]

New Delhi, the 21st August, 1989

S.O. 2221.—In pursuance of sub-section (2) of Section 21 of the Industrial Finance Corporation Act, 1948 (15 of 1948), the Central Government, on the recommendation of the Board of Directors of the Industrial Finance Corporation of India, hereby, fixes 10% (Ten percent) per annum as the rate of interest payable on the bonds having currency during the period of 1st July, 1989 to 31st December, 1989, to be issued by the said Corporation.

[F. No. 6(21)-IF-I/88]

नई दिल्ली, 22 अगस्त, 1989

का.आ. 2222 :—राज्यकारी स्थान (अग्रअधिकार अधिनियमों की वेदबर्ती) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा नीचे की सारणी के कालम (1) में उल्लिखित अधिकारियों को नियुक्त करती है जो सरकार के राजस्व अधिकारी के पद के समकक्ष होंगे और उक्त अधिनियम के प्रयोजन के लिए संपदा अधिकारी होंगे तथा ये अधिकारी उक्त अधिनियम द्वारा प्रदत्त शक्तियों का प्रयोग करेंगे और उसके अन्तर्गत उक्त सारणी के कालम (2) में उल्लिखित सरकारी स्थानों के संबंध में संपदा अधिकारियों को सौंपे गए कर्तव्यों को पूरा करेंगे।

सारणी

अधिकारी का नाम और पदनाम	सरकारी स्थानों की श्रेणियाँ और स्थानीय अधिकार क्षेत्र का पता
-------------------------	--

(1)

(2)

- | | |
|---|--|
| 1. जी.एल. बुलसारा
महाप्रबन्धक और मुख्य
विशेषी सहायक | भारतीय निर्यात आयात बैंक की
अथवा उसके द्वारा या उसकी
ओर से पट्टे पर ली गई और
महाराष्ट्र, तमिलनाडु, या
पश्चिम बंगाल या संघ
राज्य क्षेत्र दिल्ली में स्थित। |
| 2. के.एस. गायकवाड़ उप
महाप्रबन्धक | भारतीय निर्यात आयात बैंक
की अथवा उसके द्वारा या |

1

2

उसकी ओर से पट्टे पर
या लाइसेंस के आधार
पर ली गई और महाराष्ट्र
तमिलनाडु, या पश्चिम बंगाल
या संघ राज्य क्षेत्र दिल्ली
में स्थित।

[फा.सं. 14(39)/आई.एफ. 1/89]

New Delhi, the 22nd August, 1989

S.O. 2222.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants Act, 1971 (40 of 1971), the Central Government hereby appoints the Officers mentioned in column (1) of the Table below, being officers equivalent to the rank of gazetted officer of the Government, to be estate officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers by or under the said Act in respect of the Public Premises specified in column (2) of the said Table.

TABLE

Name and Designation of the Officers	Categories of Public premises and local limits of jurisdiction.
1. G.L. Bulsara, General Manager and Chief Legal Adviser	Premises belonging to or taken by or on behalf of the Export-Import Bank of India on lease or licence basis and situated in the States of Maharashtra, Tamilnadu or West Bengal or in Union Territory of India.
2. K.S. Gaikwad, Deputy General Manager	Premises belonging to or taken by or on behalf of the Export-Import Bank of India on lease or licence basis and situated in the States of Maharashtra, Tamil Nadu or West Bengal or in Union Territory of Delhi.

[F. No. 14(39)/IF-I/79]

नई दिल्ली, 1 सितम्बर, 1989

का.आ. 2223:—केन्द्रीय सरकार, औद्योगिक वित्त निगम अधिनियम, 1948 (1948 का 15) की धारा 21 का उप-धारा (2) के अनुसरण में भारतीय औद्योगिक विकास निगम के निदेशक बोर्ड का सिकारिश पर उक्त निगम द्वारा 19 सितम्बर, 1989 का जारी किए जाने वाले और 19 सितम्बर, 2009 का परिपक्व होने वाले बांडों पर देय ब्याज का दर एतद्वारा 11.5 % (ग्यारह प्रतिशत) वार्षिक निर्धारित करता है

[का.सं. 2/20/आई.एफ.-1/89]

वा.पी. भारद्वाज, अवर सचिव

New Delhi, the 1st September, 1989

S.O. 2223.—In pursuance of sub-section 2 of Section 21 of the Industrial Finance Corporation Act, 1948 (15 of 1948), the Central Government, on the recommendation of the Board of Directors of the Industrial Finance Corporation of India, hereby fixes 11.5% (Eleven & half percent) per annum as the rate of interest payable on the bonds to be issued by the said Corporation on 19th September, 1989 and maturing on 19th September 2009.

[F. No. 2(20)/IF-1/89]

V. P. BHARDWAJ, Under Secy.

नई दिल्ली, 25 अगस्त, 1989

का.आ. 2224:—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 8 के उपखण्ड (1) के साथ पठित खण्ड 3 के उपखण्ड (क) के अनुसरण में केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा बैंकिंग पर्यवर्तन और विकास विभाग, भारतीय रिजर्व बैंक, बम्बई वर्तमान मुख्य अधिकारी श्री टी.के.के. भागवत को उनके द्वारा कार्यभार ग्रहण करने का ताराख से 6 जुलाई, 1994 तक का अवधि के लिए बैंक आफ महाराष्ट्र के प्रबन्ध निदेशक के रूप में नियुक्त करता है।

[संख्या एफ. 9/60/88-बी.आ. I(1)]

New Delhi, the 25th August, 1989

S.O. 2224.—in pursuance of sub-clause (a) of clause 3 read with sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government after consultation with the Reserve Bank of India, hereby appoints Shri T.K.K. Bhagavat, presently Chief Officer, Department of Banking Operations and Development, Reserve Bank of India, Bombay as the Managing Director of the Bank of Maharashtra for a period commencing with the date of his taking charge and ending with 6th July, 1994.

[No. F. 9/60/88-BO. 1(1)]

का.आ. 2225:—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 7 के साथ पठित खण्ड 5 के उपखण्ड (1) के अनुसरण में केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् श्री टी.के.के. भागवत को, जिन्हें उनके द्वारा कार्यभार ग्रहण करने का ताराख से बैंक आफ महाराष्ट्र के प्रबन्ध निदेशक के रूप में नियुक्त किया गया है, उसी ताराख से बैंक आफ महाराष्ट्र के निदेशक बोर्ड में अध्यक्ष के रूप में नियुक्त करती है।

[संख्या एफ. 9/60/88-बी. आ. I(2)]

एम. एस. सीथारामन, अवर सचिव

S.O. 2225.—In pursuance of sub-clause (1) of clause 5, read with clause 7 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri T.K.K. Bhagavat who has been appointed as Managing Director of the Bank of Maharashtra from the date of his taking the charge to be the Chairman of the Board of Directors of the Bank of Maharashtra with effect from the same date.

[No. F. 9/60/88-BO. 1(2)]

M. S. SEETHARAMAN, Under Secy.

कार्यालय, मुख्य आयकर आयुक्त (प्रभा.)

अहमदाबाद, 8 अगस्त, 1989

(आयकर)

का.आ. 2226:—ता. 1-4-1988 को पारित अधिसूचना को अंशतया उपान्तरित करते हुए तथा आयकर अधिनियम, 1961 की धारा 120 की उप-धारा (1) एवं केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली की अधिसूचना नं. 7842/80, नं. 361 (ई), ता. 30-3-1988 द्वारा इस बारे में उक्त धारा के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त (प्रभा.), अहमदाबाद एतद्वारा निदेश देते हैं कि नीचे दी गई अनुसूची के स्तम्भ-3 में विनिर्दिष्ट आयकर बाडों सर्कलों, तथा रेंजों में जिनका आयकर अथवा अधिकर या ब्याज-कर के लिए निर्धारण किया गया हो और आयकर अधिनियम, 1961 की धारा 246 की उप-धारा (1) के परिच्छेद (ए) से (एन) में उल्लिखित आवेशों अथवा कम्पनी (लाभ) अधिकर अधिनियम, 1964 (1964 का 7) की धारा 11 तथा ब्याज-कर अधिनियम, 1974 का (1974 का 45) की धारा 15 की उप-धारा (1) में उल्लिखित आदेशों में से किसी आदेश द्वारा जो असंतुष्ट हों उन व्यक्तियों के बारे में तथा जिनके संबंध में केन्द्रीय प्रत्यक्ष-कर बोर्ड ने निदेशित किया हो अथवा बोर्ड अथवा अधोहस्ताक्षरी द्वारा आयकर अधिनियम, 1961 की धारा 246 की उप-धारा (2) के अनुच्छेद (1) के प्रावधानों के अनुसार भविष्य में निदेश दिया जाए ऐसी व्यक्तियों अथवा व्यक्ति-प्रवर्गों के संबंध में अनुसूची के स्तम्भ 2 में उल्लिखित आयकर आयुक्त (अपील अपने कर्तव्यों का पालन करेंगे)।

अनुसूची			क्रमिक आयकर आयुक्त (अपील) प्रभार एवं मुख्यालय	निम्नलिखित द्वारा पारित अदेशों के विरुद्ध अपीलों पर अधिकारिता	
1	2	3	1	(2)	(3)
					लिखित की अधिकारिता के अन्तर्गत पड़ते हों:—
1. आयकर आयुक्त (अपील)-1 अहमदा- बाद	(क) नीचे विनिर्दिष्ट नि० सं० आ. आयुक्त अथवा निर्धा- रण अधिकारी जो 1-4- 1988 के पहले) निम्न- लिखित की अधिकारिता के अन्तर्गत पड़ते हों:— (1) नि.स.आ. आयुक्त केन्द्रीय रेंज-1, अहमदा- बाद। (2) नि.स.आ. आयुक्त केन्द्रीय रेंज-2, अहमदा- बाद। (3) नि.स.आ. आयुक्त, रेंज- 3, अहमदाबाद। (ख) नीचे विनिर्दिष्ट उप आयकर आयुक्त अथवा निर्धारण अधिकारी जो (1-4-1988 के बाद से) निम्नलिखित की अधिकारिता के अन्तर्गत पड़ते हों:— (1) उप आयकर आयुक्त, केन्द्रीय रेंज-1, अहमदा- बाद। (2) उप आयकर आयुक्त, केन्द्रीय रेंज-2, अहमदा- बाद। (3) उप आयकर आयुक्त, अहमदाबाद रेंज-3, अह- मदाबाद। (4) उप आयकर आयुक्त, (निर्धारण), विशेष रेंज- 6, अहमदाबाद।	(1) नि.स.आ. आयुक्त, रेंज- 9, अहमदाबाद। (2) नि.स.आ. आयुक्त, रेंज- 2, अहमदाबाद। (3) नि.स.आ. आयुक्त, (निर्धारण)-3, अहमदा- बाद। (ख) नीचे विनिर्दिष्ट उप-आय- कर आयुक्त अथवा निर्धारण अधिकारी जो (1-4-1988 के बाद से) निम्नलिखित की अधिकारिता के अन्तर्गत पड़ते हों:— (1) उप आयकर आयुक्त, रेंज-9, अहमदाबाद (2) उप आयकर आयुक्त, रेंज-2, अहमदाबाद। (3) उप आयकर आयुक्त (निर्धारण) विशेष रेंज- 3, अहमदाबाद। (ग) आयकर आयुक्त-2, अह- मदाबाद प्रभार का कोई भी सर्कल/वार्ड अथवा रेंज जिसे इस आदेश के अधीन अन्य किसी आयकर आयुक्त (अपील) का समनुदिष्ट नहीं किया गया हो।			
2. आयकर आयुक्त (अपील)-2 अहमदाबाद	(क) नीचे विनिर्दिष्ट नि.स. आ. आयुक्त अथवा निर्धा- रण अधिकारी जो (1-4- 1988 के पहले) निम्न-		3. आयकर आयुक्त (अपील)-3 अहमदाबाद	(क) नीचे विनिर्दिष्ट नि. भ.आ. आयुक्त अथवा निर्धारण अधिकारी जो (1-4-1988 के पहले) निम्नलिखित की अधिकारिता के अन्तर्गत पड़ते हों:	(1) नि.भ.आ. आयुक्त, रेंज 6, अहमदाबाद।

क्रमिक आयकर आयुक्त
(अपील) प्रभार एवं
मुख्यालय

निम्नलिखित द्वारा पारित
आदेशों के विरुद्ध अपीलों
पर अधिकारिता

1 2 3

(2) नि.स.आ. आयुक्त,
(निर्धारण)-1 अहमदा-
बाद।

(3) नि.स.आ. आयुक्त, रेंज-
7, अहमदाबाद।

(ख) नीचे विनिर्दिष्ट उप
आयकर आयुक्त अथवा
निर्धारण अधिकारी जो
(1-4-1988 के बाद से)
निम्नलिखित की अधिका-
रिता के अन्तर्गत पड़ते
हों:—

(1) उप आयकर आयुक्त,
रेंज-6, अहमदाबाद।

(2) उप आयकर आयुक्त
(निर्धारण) विशेष रेंज-1,
अहमदाबाद।

(3) उप आयकर आयुक्त,
रेंज-7, अहमदाबाद।

(ग) सम्पदा शुल्क सँकल,
अहमदाबाद।

4. आयकर आयुक्त (क) नीचे विनिर्दिष्ट नि.स.
(अपील)-4 अहमदाबाद आ. आयुक्त अथवा निर्धा-
रण अधिकारी जो (1-4-
1988 के पहले) निम्न-
लिखित की अधिकारिता के
अन्तर्गत पड़ते हों:

(1) नि.स.आ. आयुक्त
रेंज-8, अहमदाबाद।

(2) नि.स.आ. आयुक्त रेंज-
5, अहमदाबाद।

(3) नि.स.आ. आयुक्त,
(निर्धारण)-2, अहमदा-
बाद।

(4) नि.स.आ. आयुक्त
(निर्धारण)-4, अहमदाबाद।

(ख) नीचे विनिर्दिष्ट उप आय-
कर आयुक्त अथवा निर्धारण
अधिकारी जो (1-4-1988
के बाद से) निम्नलिखित की

क्रमिक आयकर आयुक्त
(अपील) प्रभार एवं
मुख्यालय

निम्नलिखित द्वारा पारित
आदेशों के विरुद्ध अपीलों
पर अधिकारिता

1 2 3

अधिकारिता के अन्तर्गत
पड़ते हों:—

(1) उप आयकर आयुक्त,
रेंज-8, अहमदाबाद

(2) उप आयकर आयुक्त
रेंज-5 अहमदाबाद

(3) उप आयकर आयुक्त
(निर्धारण) विशेष रेंज-2,
अहमदाबाद

(4) उप आयकर आयुक्त
(निर्धारण) विशेष
रेंज-4 अहमदाबाद

5. आयकर आयुक्त
(अपील)-5 अहमदाबाद

(क) नीचे विनिर्दिष्ट
नि.स.आ. आयुक्त
अथवा निर्धारण अधिकारी
जो (1-4-1988 से पहले)
निम्नलिखित की अधिकारिता
में पड़ते हों:

(1) नि.स.आ. आयुक्त, रेंज-
1, अहमदाबाद

(2) नि.स.आ. आयुक्त,
रेंज-4, अहमदाबाद।

(3) नि.स.आ. आयुक्त, रेंज-
6, (बेतन) अहमदा-
बाद।

(4) नि.स.आ. आयुक्त (अनु-
संधान/सर्वेक्षण) अह-
मदाबाद।

(ख) नीचे विनिर्दिष्ट उप
आयकर आयुक्त अथवा
निर्धारण अधिकारी जो
(1-4-1988 के बाद से)
निम्नलिखित की अधिका-
रिता के अन्तर्गत पड़ते हों:

(1) उप आयकर आयुक्त,
रेंज-1, अहमदाबाद।

(2) उप आयकर आयुक्त,
रेंज-4, अहमदाबाद।

क्रमांक आयकर आयुक्त (अपील) प्रभार एवं मुख्यालय	निम्नलिखित द्वारा पारित आदेशों के विरुद्ध अपीलों पर अधिकारिता	1	2	3
1	(2)	(3)		
	(3) उप आयकर आयुक्त, (निर्धारण) विशेष रेंज-5, अहमदाबाद।			(i) I.A.C. Central Range-I, Ahmedabad.
	(ग) आयकर आयुक्त, गुजरात- 1 तथा गुजरात-3 अहमदा- बाद प्रभारों के सम्बद्ध कोई भी सर्कल/वार्ड अथवा रेंज जिसे इस आदेश के अधीन अन्य किसी आयकर आयुक्त (अपील) को समनुद्दिष्ट नहीं किया गया हो।			(ii) I.A.C. Central Range-II Ahmedabd.

- (iii) I.A.C. Ahmedabad
Range-III, Ahmedabad.
or
(b) The following Deputy
Commissioners of Income
Income-tax or Assessing
Officers falling (ster
1-4-1988) within the
jurisdiction of:

- (i) Dy. Commissioner of
Income-tax Central
Range-I, Ahmedabad.
(ii) Dy. Commissioner of
Income-tax Central
Range-2, Ahmedabad.
(iii) Dy. Commissioner of
Income-tax Ahmedabd
Range-3, Ahmedabad.
(iv) Dy. Commissioner of
Income-tax (Assessment
Special Range-6,
Ahmedabad.

2. यह अधिसूचना 1 सितम्बर, 1989 से प्रभावी होगी।

[फा. सं. अ. आ. न्या./IV-1/89-90]

आर.सी. वर्मा, मुख्य आयकर आयुक्त (प्रशा.)

OFFICE OF THE
CHIEF COMMISSIONER OF INCOME TAX (ADM.)

Ahmedabad, the 8th August, 1989

(INCOME TAX)

S.O. 2226.—In partial modification of the Notification dated 1-4-1988 and in exercise of the powers conferred on the undersigned by sub-section (1) of section 120 of the Income-tax Act, 1961 and by the Notification No. 7842/80 No. 361(E), dated 30th March, 1988 issued by the Central Board of Direct Taxes, New Delhi, in this behalf under the said section, the Chief Commissioner of Income-tax (Adm.), Ahmedabad hereby directs that the Commissioners of Income-tax (Appeals) mentioned in Col. 2 of the Schedule below shall perform their functions in respect of such persons assessed to Income-tax or Sur-tax or Interest-tax in the Income-tax Wards, Circles, and Ranges specified in Column (3) thereof, as are aggrieved by any of the orders mentioned in clauses (a) to (h) of sub-section (1) of section 246 of the Income-tax Act 1961 or section 11 of Companies (profits) Sur-tax Act, 1964 (7 of 1964), and in sub-section (1) of section 15 of the Interest Tax Act, 1974 (45 of 1974) and also in respect of such persons or classes of persons as the Board has directed or the Central Board of Direct Taxes or the undersigned may direct in future in accordance with the provisions of clause (i) of sub-section (2) of section 246 of the Income-tax Act 1961.

SCHEDULE

S. Charge of the Jurisdiction over appeals
No. C.I.T. (Appeals) against orders passed by:
with H. Qrs.

1	2	3
1. Commissioner of Income-tax (Appeals)-I, Ahmedabd.	(a) The following I.A.Cs or Assessing Officers falling (prior to 1-4-1988) within the jurisdiction of:	

2. Commissioner of Income-tax (Appeals)-II, Ahmedabad.
- fi(a) The following I.Cs. or Assessing Officers falling (prior to 1-4-1988) within the jurisdiction of:
- (i) I.A.C. Range-IX, Ahmedabad.
(ii) I.A.C. Range-II, Ahmedabad.
(iii) I.A.C. (Assessment)-III, Ahmedabad.
- (b) The following Deputy Commissioners of Income-tax Assessing Officers falling (after 1-4-1988) with in the jurisdiction of:
- (i) Dy. Commissioner of Income-tax Range-9, Ahmedabad.
(ii) Dy. Commissioner of Income-tax Range-2, Ahmedabad.

1	2	3	1	2	3
	(iii) Dy. Commissioner of Income-tax (Assessment Special Range-3, Ahmedabad.				(iii) I.A.C. (Asstt.)-II, Ahmedabad.
	(c) Any Circle/Ward or range of C.I.T., Gujarat-II, Charge at Ahmedabad not specifically assigned to any other Commissioner of I.T. (Appeals) under this order.				(iv) I.A.C. (Asstt.)-IV, Ahmedabad.
3. Commissioner of Income-tax (Appeals)-III, Ahmedabad	(a) The following I.A.Cs or Assessing Officers falling (Prior to 1-4-1988) within the jurisdiction of :				(b) The following Deputy Commissioners of Income-tax or Assessing Officers falling (after 1-4-1988) within the jurisdiction of:
	(i) I.A.C. Range-VI, Ahmedabad.				(i) Dy. Commissioner of Income-tax Range-8, Ahmedabad.
	(ii) I.A.C. (Assessment)-I, Ahmedabad.				(ii) Dy. Commissioner of Income-tax Range-5, Ahmedabad.
	(iii) I.A.C. Range-VII, Ahmedabad.				(iii) Dy. Commissioner of Income-tax (Assessment Special Range-2, Ahmedabad.
	(b) The following Deputy Commissioners of Income-tax or Assessing Officers falling (after 1-4-1988) within the jurisdiction of:				(iv) Dy. Commissioner of Income-tax (Assessment) Special Range-4, Ahmedabad.
	(i) Dy. Commissioner of Income-tax Range-6, Ahmedabad.		5. Commissioner in Income-tax, (Appeals)-V, Ahmedabad.		(a) The following I.A.Cs. or Assessing Officers falling (Prior to 1-4-1988) within the jurisdiction of:
	(ii) Dy. Commissioner of Income-tax (Assessments Special Range-I, Ahmedabad.				(i) I.A.C. Range-I, Ahmedabad.
	(iii) Dy. Commissioner of Income-tax Range-7, Ahmedabad.				(ii) I.A.C. Range-IV, Ahmedabad.
	(c) Estate Duty Circle, Ahmedabad.				(iii) I.A.C. Range VI, (Salary Ahmedabad.
4. Commissioner of Income-tax (Appeals)-IV, Ahmedabad.	(a) The following I.A.Cs or Assessing Officers falling (prior to 1-4-1988) within the jurisdiction of:—				(iv) I.A.C. (Investigation/ Survey) Ahmedabad.
	(i) I.A.C. Range- III, Ahmedabad.				(v) I.A.C. (Asstt.)-V, Ahmedabad.
	(ii) I.A.C. Range-V, Ahmedabad.				(b) The following Deputy Commissioners of Income-tax or Assessing Officers falling (after 1-4-1988) within the jurisdiction of:
					(i) Dy. Commissioner of Income-tax Range-I, Ahmedabad.

केन्द्रीय उत्पाद शुल्क समाहर्तलय

(ii) Dy. Commissioner of
Income-tax Range-4,
Ahmedabad.

अधिसूचना

इन्दौर, 14 अगस्त, 1989

(iii) Dy. Commissioner of
Income-tax (Assessment
Special Range-5,
Ahmedabad.

का.भा. 2228 :—समाहर्तलय केन्द्रीय उत्पाद शुल्क
इन्दौर के श्री व्ही एस. पवार, अधीक्षक समूह "ख" निवर्तन
आयु प्राप्त करने पर दिनांक 31-7-89 को अपराह्न में
शासकीय सेवा से निवृत्त हो गए।

[प.सं. 11 (3) 8-गोप/89]

बालकृष्ण अग्रवाल, समाहर्ता

(c) Any Circle/Ward or
range of Commissioners
of Income-tax, Gujarat-I
& Gujarat-III, Ahmeda-
bad's Charges not specifi-
cally assigned to any
other Commissioner of
Income-tax (Appeals),
under this order.

CENTRAL EXCISE COLLECTORATE

NOTIFICATION NO. 144/1989

Indore, the 14th August, 1989

S.O. 2228.—Shri V. S. Pawar, Superintendent, Central
Excise, Group 'B' of Indore Collectorate having attained the
age of superannuation retired from Government service on
31-7-1989 (A.N.).

[C. No. II(3)8-Con./81]

B. K. AGARWAL, Collector

2. This notification shall come into force with
effect from the 1st day of September, 1989.

[F.No. D.C.(Jud.)/IV-I/89-90]

R.C. VERMA, Chief Com. of Income-tax

वाणिज्य मंत्रालय

नई दिल्ली, 24 जुलाई, 1989

केन्द्रीय उत्पाद शुल्क समाहर्तलय,

अधिसूचना क्रमांक 5/89

नागपुर, 10 अगस्त, 1989

का.भा. 2227 :—श्री एस.के. चौधरी अधीक्षक,
केन्द्रीय उत्पाद शुल्क समूह "ख" समाहर्तलय नागपुर, स्वेच्छा
से दिनांक 3-8-89 को पूर्वाह्न में शासकीय सेवा से निवृत्त
हुए।

[प.सं. 11 (3) 5/89-स्थापना-1/55638]

जीतराम कौत, उप समाहर्ता (कार्मिक एवं स्थापना)

का.भा. 2229 :—केन्द्रीय सरकार, राजभाषा (संघ के
शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम
10 के उप-नियम (4) के अनुसरण में वाणिज्य मंत्रालय
के अन्तर्गत आने वाले निम्नलिखित कार्यालय को, जिसके
80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्य-
सोधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

स्टेट ट्रेडिंग कारपोरेशन आफ इंडिया लि.,
शाखा कार्यालय, हैदराबाद।

[सं. ई-11011/31/89-हिन्दी]

ओ .पी. कालड़ा, उप सचिव

CENTRAL EXCISE COLLECTORATE

NOTIFICATION NO. 5/89

Nagpur, the 10th August, 1989

S.O. 2227.—Shri S. K. Choudhary, Superintendent, Cen-
tral Excise, Group 'B' of Nagpur Collectorate retired volun-
tarily from Government service on 3-8-89 in the forenoon.

[C. No. II(3)5/89/Est. I/55635]

J. R. KAIT, Dy. Collector (P&F)

MINISTRY OF COMMERCE

New Delhi, the 24th July, 1989

S.O. 2229.—Shri S. K. Choudhary, Superintendent, Cen-
tral Excise, Group 'B' of Nagpur Collectorate retired volun-
tarily from Government service on 3-8-89 in the forenoon.

The State Trading Corporation of India Ltd., Branch
Officer, Hyderabad.

[No. E. 11011/31/89-Hindi]

O. P. KALRA, Dy. Secy.

मुख्य निर्यातक, आयात निर्यात का कार्यालय

आदेश

नई दिल्ली, 22 अगस्त, 1989

का.आ. 2230 :—श्रीमती गीता चौधरी, 76, सुन्दर नगर, नई दिल्ली को एक होन्डा एकोर्ड सेडान (रीकन्डीशन्ड) के आयात के लिए 1,25,000/- रुपये (एक लाख पच्चीस हजार रुपये मात्र) के लिए एक सीमाशुल्क निकासी परमिट सं. पी/जे/3078574 दिनांक 7-3-1989 दिया गया था। श्रीमती गीता चौधरी ने बताया है कि मूल सीमाशुल्क निकासी परमिट ग़ुम हो गया/खो गया है। उन्होंने यह भी बताया है कि मूल सीमाशुल्क निकासी परमिट किसी सीमाशुल्क प्राधिकारी के पास पंजीकृत नहीं कराया गया था और इसलिए उसका बिल्कुल भी उपयोग नहीं किया गया है।

2. तदनुसार मैं सन्तुष्ट हूँ कि मूल सीमाशुल्क निकासी परमिट सं. पी/जे/3078574 दिनांक 7-3-1989 आवेदक से खाँ गया है। समय-समय पर यथासंशोधित आयात (निर्यात) आदेश, 1955 दिनांक 7-12-1955 के उप खण्ड 9 (गग) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए श्रीमती गीता चौधरी को जारी किया गया उक्त मूल सीमाशुल्क निकासी परमिट सं. पी/जे/3078574 दिनांक 7-3-1989 एतद्वारा रद्द किया जाता है।

[फा.सं. ए/सी-26/88-89/बी एल एस/1311]

माया देवी केम, उप मुख्य निर्यातक, आयात-निर्यात

OFFICE OF THE CHIEF CONTROLLER OF
IMPORTS AND EXPORTS
ORDER

New Delhi, the 22nd August, 1989

S.O. 2230.—Mrs. Geeta Chowdhry, 76, Sundar Nagar, New Delhi, was granted a Customs Clearance Permit No. P./J/3078574 dated 7-3-1989 for Rs. 1,25,000 (Rupees One Lakh and Twenty five thousand only) for import of One Honda Accord Sedan (Reconditioned) 1600 cc car. Mrs. Geeta Chowdhry has stated that the original CCP has been misplaced/lost. It has further been stated that the original CCP was not registered with any Customs authority and as such the value of the CCP has not been utilised at all.

2. I am accordingly satisfied that the original CCP No. P/J/3078574 dated 7-3-1989 has been lost by the applicant. In exercise of the powers conferred under Sub-clause 9 (cc) of the Import (Control) Order, 1955, dated 7-12-1955 as amended from time to time, the said original CCP No. P/J/3078574 dated 7-3-1989 issued to Mrs. Geeta Chowdhry is hereby cancelled.

[F. No. A/C-26/88-89/BLS/1311]

MAYA D. KEM, Dy. Chief Controller
of Imports & Exports

आदेश

नई दिल्ली, 23 अगस्त, 1989

का.आ. 2231 :—मैसर्स अडवानी डरलिकन लि., लाल बहादुर शास्त्री मार्ग, भन्डूप, बम्बई-78 को सामान्य मद्रा क्षेत्र के अन्तर्गत ईएर एम्बल टयब (अनील्ड) 12-7/

12.5 मि.मी. व्यास × 2.00 मि.मी. बाल थिकनेस और 12.7/12.5 मि.मी. व्यास × 2.20 मि.मी. बाल थिकनेस-120 मि. टन यू.एन.डी.ई. के आयात के लिए रु. 18,00,000/- (अट्ठारह लाख रुपये मात्र) मूल्य का एक आयात लाइसेंस सं. पी/डी/1094817 दिनांक 7-3-1988 प्रदान किया गया था।

2. फर्म ने आयात लाइसेंस की अनुलिपि जारी करने के लिए इस आधार पर अनुरोध किया है कि मूल लाइसेंस की सीमाशुल्क प्रयोजन प्रति खो गई है या ग़ुम हो गई है। उन्होंने आगे यह भी कहा है कि उपर्युक्त लाइसेंस की सीमाशुल्क प्रयोजन प्रति बम्बई में किसी सीमाशुल्क अधिकारी के पास पंजीकृत थी और तदनुसार सीमाशुल्क प्रयोजन प्रति का रु. 15,98,713/- के मूल्य तक उपयोग कर लिया गया है।

3. अपने इस तर्क के समर्थन में लाइसेंसधारी ने स्टाम्प पेपर पर नोटरी पब्लिक, बृहत बम्बई के समक्ष विधिगत शपथ लेकर एक हलकनामा प्रस्तुत किया है। तदनुसार मैं सन्तुष्ट हूँ कि लाइसेंस सं. पी/डी/1094817 दिनांक 7-3-88 की मूल सीमाशुल्क प्रयोजन प्रति फर्म से ग़ुम हो गई है या खाँ गई है। 7-12-1955 के यथासंशोधित आयात (निर्यात) आदेश, 1955 के उप खण्ड 9 (गग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अडवानी डरलिकन लिमिटेड को जारी की गई उक्त मूल सीमाशुल्क प्रयोजन प्रति सं. पी/डी/1094817 दिनांक 7-3-88 को एतद्वारा रद्द किया जाता है।

4. उक्त लाइसेंस की सीमाशुल्क प्रति की अनुलिपि फर्म को अलग से जारी की जा रही है।

[सं. सप्ली/एन एस-9/1035/डीजीटीडी/ए.एम-88/एलएस]

एम. कुजूर, उप मुख्य निर्यातक आयात-निर्यात

ORDER

New Delhi, the 23rd August, 1989

S.O. 2231.—M/s. Advani Derlikon Ltd., LBS. Marg Bhandup, Bombay-78 were granted an import licence No. P/D/1094817 dated 7-3-88 for Rs. 18,00,000 (Rupees Eighteen Lakh only) for import of ERW Tubes (Annealed) 12.7/125 mm dia x 2.00 mm wall thickness and 12.7/12.5 mm dia x 2.20 mm wall thickness 120 MT under G.C.A.

2. The firm has applied for issue of Duplicate copy of Customs purposes copy of the above mentioned licence on the ground that the original Customs purposes copy of the licence has been lost or misplaced. It has further been stated that the Customs purposes copy of the licence was registered with any Customs Authority Bombay and as such the value of Customs Purpose copy has been utilised for Rs. 15,98,713.

3. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Greater Bombay. I am accordingly satisfied that the original Customs Purposes copy of import licence No. P/D/1094817 dated 7-3-88 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-55 as amended the said original Customs Purposes copy No. P/D/1094817 dated 7-3-88 issued to M/s. Advani Derlikon Ltd. is hereby cancelled.

4. A duplicate Customs Purposes copy of the said licence is being issued to the party separately.

[No. Suppl/NS-9/1035/DGTD/AM.88/SLS/519]

S. KUJUR, Dy. Chief Controller of Imports and Exports

आवेश

का.भा. 2232 :—मैसर्स मास्टर वीडियो एण्ड कम्प्यूटर प्राइवेट लिमिटेड, बम्बई को मुक्त विदेशी मुद्रा के अधीन स्टूडियो इक्विपमेंट के आयात के लिए 26,92,500 रुपये (छब्बीस लाख नब्बे हजार पांच सौ रुपये मात्र) के लिए एक आयात लाइसेंस सं. पी/सी.जी./2042916, तारीख 5-1-1988 प्रदान किया गया था।

2. फर्म ने उपर्युक्त लाइसेंस की सीमाशुल्क प्रयोजन प्रति की अनुलिपि प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल सीमाशुल्क प्रयोजन प्रति सीमाशुल्क कार्यालय, बम्बई में खो गई है या गुम हो गई है। आगे यह भी उल्लेख किया है कि लाइसेंस की सीमाशुल्क प्रयोजन प्रति एयर कार्गो कम्प्लेक्स, बम्बई के पास पंजीकृत थी और जैसा कि सीमाशुल्क विभाग (एयर कार्गो विभाग), बम्बई के 1/2/1989 के पत्र सं. 513-5958/88/ए.सी.सी. से भी प्रमाणित है, उसमें से या 8,02,157/- रुपये का उपयोग किया गया है और इस प्रकार 18,90,343/- रुपये (अठारह लाख नब्बे हजार तीन सौ तैंतालीस रुपये) का उपयोग करना बाकी है।

3. अपने तर्कों के समर्थन में लाइसेंसधारी ने नोटरी पब्लिक, महाराष्ट्र राज्य के समक्ष विधिवत् शपथ लेकर एक शपथ पत्र दाखिल किया है। तदनुसार, मैं संतुष्ट हूं कि आयात लाइसेंस सं. पी/सी.जी./2042916, तारीख 5-1-1988 की मूल सीमाशुल्क प्रयोजन प्रति सीमाशुल्क कार्यालय, बम्बई में खो गई है। यथासंशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की उप-धारा 9 (ग) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए मैसर्स मास्टर वीडियो एण्ड कम्प्यूटर प्राइवेट लिमिटेड, बम्बई को जारी मूल सीमाशुल्क प्रयोजन प्रति सं. पी/सीजी/2042916, तारीख 5-1-1988 को एतद्वारा रद्द किया जाता है।

4. उक्त लाइसेंस की सीमाशुल्क प्रयोजन प्रति की अनुलिपि पार्टी को अलग से जारी की जा रही है।

[सं. सी.जी.आई./564/40/87-88]

बी. आर. अहीर, उप मुख्य नियंत्रक, आयात-निर्यात

ORDER

New Delhi, the 23rd August, 1989

S.O. 2232.—M/s. Master Video and Computer Pvt. Ltd., Bombay were granted an import licence No. P/CG/2042916 dated 5-1-198 for Rs. 26,92,500 (Rupees twenty six lakhs

Ninety Two Thousand Five Hundred only) for import of Studio equipment under Free Foreign Exchange.

The firm has applied for issue of Duplicate copy of Customs purpose copy of the above mentioned licence on the ground that the original Customs purposes copy of the licence has been lost or misplaced in the Customs House, Bombay. It has further been stated that the Customs purposes copy of the licence was registered with Customs Authority at Air Cargo Complex, Bombay and the value of Customs Purposes copy has been utilised for a value of Rs. 8,02,157 as also certified by the Customs Department (Air Cargo Complex), Bombay vide letter No. 513-5958/A.C.C. dated 1-2-89 this leaving a balance of R. 18,90,343 (Rupees Eighteen Lakhs Ninety Thosund and Three Hundred Forty Three only).

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Maharashtra State. I am accordingly satisfied that the original Customs Purposes copy of import licence No. P/CG/2042916 dated 5-1-1988 has been lost in the Customs House, Bombay. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs Purposes copy No. P/CG/2042916 dated 5-1-1988 issued to M/s. Master Video and Computer (Pvt.) Ltd., Bombay is hereby cancelled.

3. A duplicate Customs Purposes copy of the said licence is being issued to the party separately.

[No. CG. I/564/40/87-88]

B. R. AHIR, Dy. Chief Controller of Imports & Exports

उद्योग मंत्रालय

(कम्पनी कार्य विभाग)

नई दिल्ली, 23 अगस्त, 1989

का.भा. 2233 :—एकाधिकार तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उपधारा (3) के अनुसरण में केन्द्रीय सरकार एतद्वारा पेपर एंड पल्प कन्वर्शन्स लिमिटेड जिसका पंजीकृत कार्यालय 1183, शिवाजी नगर, फर्गुसन कॉलेज रोड, पुना-411005 में है, के पंजीकरण के निरस्तकरण को अधिसूचित करती है क्योंकि उक्त उपक्रम ऐसे उपक्रमों में से है जिन पर उक्त अधिनियम के भाग "क" अध्याय-III के उपबन्ध अब लागू नहीं होते हैं। (पंजीकरण संख्या 1356/771)।

[सं. 16/9/89-एम.-3]

शशिभूषण सिंह, उप सचिव

MINISTRY OF INDUSTRY

(Department of Company Affairs)

New Delhi, the 23rd August, 1989

S.O. 2233.—In pursuance of Sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of M/s. Paper and Pulp Conversions Ltd. having its registered office at 1183, Shivajinagar, Fergusson College Road, Pune-411005 the said undertaking being undertaking to which the provisions of Part A Chapter III of the said Act no longer apply. (Registration No. 1356/77).

[No. 16/9/89-M.III]

S. B. SINGH, Dy. Secy

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 22 अगस्त, 1989

का.आ. 2234 :—यतः पेट्रोलियम और खनिज पाइप-लाइन भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 3481 तारीख 26-11-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

ऐसाब—2 से एम० डब्लू० एम० बी० तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : भरुच तालुका : हासोट

गांव	ब्लॉक नं.	हेक्टेयर	आर.	सेटीयर
1	2	3	4	5
ऐलाव	612	0	07	93
	613	0	06	95
	611	0	12	99
	610	0	08	38
	609	0	10	79
	598	0	00	35
	597	0	10	96
	539	0	03	64
	569	0	22	75

1	2	3	4	5
	568	0	16	25
	567	0	16	35
	563	0	10	23
	562	0	01	94
	561/ए-बी	0	13	26
	557	0	05	46

[सं. ओ-11027/177/88/ओ.एन.जी.बी.-3]

MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 22nd August, 1989

S.O. 2234.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3481 dated 26-11-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM ELLAV-2 TO SWMB.

STATE : GUJARAT DISTRICT : BHARUCH

TALUKA : HANSOT

Village	Block No.	Hectare	Are	Centiare
ELLAV	612	0	07	93
	613	0	06	95
	611	0	12	99
	610	0	08	38
	609	0	10	79
	598	0	00	35
	597	0	10	96
	539	0	03	64
	569	0	22	15
	568	0	16	25
	567	0	16	35
	563	0	10	23
	562	0	01	04
	561/A-B	0	13	26
	557	0	05	36

[No. O-11027/177/88-ONG-D III]

का.भा. 2235:—यतः पेट्रोलियम और खनिज पाइप-लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.भा.सं. 3483, तारीख 26-11-88 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का निश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 10 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

ईनाब से एसडब्ल्यूएमबी तक पाइप लाइन बिछाने के लिए।
राज्य : गुजरात जिला : बेरुच तालुका : हंसोट

गांव	ब्लॉक नं.	हेक्टर	घार	सेटीयर
1	2	3	4	5
रायमा	357	0	02	30
	358	0	15	10
	359/ए-बी	0	14	56
	360	0	05	35
	361	0	03	63
	371	0	07	54
	372	0	14	56
	369	0	12	09
	312	0	02	86
	313	0	06	50
	373	0	03	12
	314	5	09	15

1	2	3	4	5
	315	0	03	38
	316	0	04	94
	कार्ट ट्रैक	0	02	52
	297/ए-बी	0	09	65
	303	0	09	32
	398	0	18	33
	304	0	11	31
	300	0	04	07

[सं ओ-11027/176/88-ओ एन जी डी-3]

S.O. 2235.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3483 dated 26-11-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM ELLAV-2 TO SWMB

State : Gujarat District : Bharuch Taluka : Hansot

Village	Block No.	Hectare	Are	Centiare
RAYMA	357	0	02	39
	358	0	14	10
	359/A-B	0	15	56
	360	0	05	35
	361	0	03	63
	271	0	07	54
	372	0	14	56
	369	0	12	09
	312	0	02	86
	313	0	06	50
	373	0	03	12
	413	0	09	75
	315	0	03	38
	316	0	04	94
	Cart track	0	02	52

297/A-B	0	09	65
303	0	09	32
298	0	18	33
304	0	11	31
300	0	04	07

[No O-11027/176/88-ONG-III]

का.आ. 2236 :—यतः पेट्रोलियम और खनिज पाइप लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 3747 तारीख 31-12-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एस.एन.डी.के. से एस.एन.डी.ए. तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : तालुका : मेहसाना

गांव	ब्लॉक न.	हेक्टेयर	आर.	सेंटी
संथाल	660	0	07	92
	659	0	12	20

[स. ओ-11027/188/88-ओ एन डी जी-III]

S.O. 2236.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3747 dated 31-12-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM SNDK TO SNBA.

State : Gujarat District & Taluka : Meshana

Village	Block No.	Hectare	Are	Centiare
SANTHAL	660	0	07	02
	659	0	12	20

[No. O-11027/188/88-ONG-D-III]

का.आ. 2237 :—यतः पेट्रोलियम और खनिज पाइप लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 3747 तारीख 31-12-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न

अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जे.एन.ए.एम. से ब्लॉक जी. जी. एम. तक पाइप लाइन बिछाने के लिए.

राज्य :—गुजरात जिला : ब तालुका :—मेहसाना

गांव	सर्वे नं.	हेक्टेयर	आर.	सेन्टी- यर
1	2	3	4	5
मीठा	34	0	02	64
	35/1	0	09	72
	44	0	06	72
	45	0	03	14

[सं.ओ.-11027/193/88/ओएनजी-ई. - III]

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM JNAM TO BALOL GGS

State : Gujarat District & Taluka : Mehsana

Village	Survey No.	Hectare	Aro	Centiare
MITHA	34	0	02	64
	35/1	0	09	72
	44	0	06	72
	45	03	0	14

[No.O-11027/193/88-ONG-D-III]

का.आ. 2238 :—यतः पेट्रोलियम और खनिज पाइप-लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 3735 तारीख 31-12-88 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का पाइप-लाइनों को बिछाने के लिए अर्जित करने का आदेश आशय घोषित कर दिया था।

और यतः प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अन्तर्गत सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे, उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

S.O. 2237.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3742 dated 31-12-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

अनुसूची

ऐस. ऐन. डी. जेड. मे ऐन. ऐस. जी. जी. ऐस.
तक पाइप लाइन बिछाने के लिए

राज्य :—गुजरात जिला :—ब तालुका :—मेहसाना

गांव	सर्वे नं.	हेक्टेयर आर.	सेन्टी- यर	
1	2	3	4	5
संथाल	279	0	03	60
	802	0	01	20

[सं. ओ.-11027/199/88/ओएनजीडी-III]

S.O. 2238.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3735 dated 31-12-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date, of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM SNDZ TO NS GGS.

State : Gujarat District & Taluka : Meshana

Village	Survey No.	Hectare	Are	Centiare
SANTHAL	279	0	03	60
	280	0	01	20

[No. O:11027/199/88/ONG-D-III]

का.भा. 2239:—यतः पेट्रोलियम और खनिज पाइप-
लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम,
1962 (1962 का 50) की धारा 3 की उपधारा (1)

के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस
मंत्रालय की अधिसूचना का.सं.भा. 3745 तारीख 31-12-
88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनु-
सूची में विनिर्दिष्ट भूमियां में उपयोग के अधिकार को पाइप-
लाइनों को बिछाने के लिए अर्जित करने का आशय घोषित
कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा
6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी
है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर
विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची
में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का
विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा
(1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार
एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न
अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार
पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त
शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है
कि उक्त भूमियों का अधिकार केन्द्रीय सरकार में निहित होने
की बजाय तेल और प्राकृतिक गैस आयोग में, सभी भाषाओं
से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को
निहित होगा।

अनुसूची

ऐन. के. ऐच. ऐन. (238) से ऐन. के. जी. ई. आई
(209) तक पाइप लाइन बिछाने के लिए।

राज्य गुजरात जिला:—मेहसाना तालुका : कड़ी

गांव	सर्वे नं.	हेक्टेयर आर.	सेन्टी- यर	
1	2	3	4	5
बलामन	45	0	15	60
	52/पी	0	11	76
	55	0	07	80

[सं. ओ.-11027/189/88/ओएनजीडी-III]

S.O. 2239.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3745 dated 31-12-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM NKHL (238) TO NK GI (209)

State : Gujarat Distt : Mehsana Taluka : Kadi

Village	Survey No.	Hectare	Are	Centiare
CHALASAN	45	0	15	60
	52/P	0	11	76
	55	0	07	80

[No.O-11027/189/88-ONG-D-III]

का.आ.सं. 2240:—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 3744 तारीख 31-12-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियां में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजह से और प्राकृतिक गैस आयोग 2427 GI/89—4

में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एन. के. सी. टी. एफ. से डब्ल्यू. डब्ल्यू. टी. पी. तक पाइपलाइन बिछाने के लिए।

राज्य : गुजरात जिला : मेहसाना तालुका : कडी

गांव	सर्वे नं.	हेक्टेयर	आर.	सेन्टी-यर
1	2	3	4	5
चलासन	95	0	02	16
	6/पी	0	06	72
	9	0	10	32
	63	0	15	48
	62/पी	0	10	08
	21/पी	0	25	20
	17/3	0	07	20
	19	0	05	40

[सं. ओ.-11027/190/88/ओएनजीडी-III]

S.O. 2240.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3744 dated 31-12-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM NK CTF TO WWIP.

State : Gujarat District - Mehsana Taluka : Kadi

Village	Survey No.	Hectare	Are	Centiare
CHALASAN	95	0	02	16
	6/P	0	06	72
	9	0	10	32
	63	0	15	48
	62/P	0	10	08
	21/P	0	25	20
	17/3	0	07	20
	19	0	05	40

[No.O-11027/190/88/ONG-D-III]

का. आ. 2241.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 3739 तारीख 31-12-88 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

पी. जे. ए. ए. से पंखाजन-1 तक पाइप लाईन बिछाने के लिए।

राज्य—गुजरात जिला—भरुच तालुका—वागार

गांव	सर्वे नं०	हेक्टर	आर	सेंटीयर
स्वाजवल	132	0	08	45
	163	0	23	40
	168	0	13	00
	169	0	11	05
	177	0	17	55
	176	0	22	75
	196	0	11	70
	197	0	19	50

[सं. O-11027/221/88-ओ एन जी-डी-III]

S.O. 2241.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3739 dated 31-12-88 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the

Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM PJAA TO PAKHAJAN-1

State : Gujarat District : Bharuch Taluka : Vagra

Village	Survey No.	Hectare	Are	Centiare
KHAJABAL	132	0	08	45
	163	0	23	40
	168	0	13	00
	169	0	11	05
	177	0	17	55
	176	0	22	75
	196	0	11	70
	197	0	19	50

[No. O-11027/221/88-ONG-D-III]

का. आ. 2242.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 3732 तारीख 31-12-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार का रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा :

अनुसूची

एन. के. सी. यू. से एन. के. जी. जो. एन. III तक पाइप लाइन बिछाने के लिए।

राज्य - गुजरात जिला व तालुका : मेहसाना

गांव	सर्वे नं.	हेक्टेयर	आर.	सेंटीयर
धन पुरा	295	0	05	28
	299	0	10	20
	298	0	05	88
	487	0	03	60
	489	0	02	04
	488	0	04	80

[सं. O-11027/198/88-ओ एन जी-डी-III]

S.O. 2242.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3732 dated 31-12-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE NKCUI TO NK GGS III.

State : Gujarat District & Taluka : Meshana

Village	Survey No.	Hectare	Are	Centiare
DHANPURA	295	0	05	28
	299	0	10	20
	298	0	05	88
	487	0	03	60
	489	0	02	04
	488	0	04	80

[No. O-11027/198/88-ONG-D-III]

का. आ. 2243.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 3743 तारीख 31-12-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अभिज्ञ करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अभिज्ञ करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अभिज्ञ किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जे. एम. डी. पी. से बन्नीन जी.जी.एन. तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला व तालुका : मेहसाना

गांव	सर्वे नं.	हेक्टेयर	आर.	सेंटीयर
खारा	156/5	0	16	08
	156/4	0	08	04
	156/1	0	05	16
	155/3	0	10	80
	155/1	0	02	40
	154/2	0	05	16

[सं. O-11027/192/88-ओएनजीडी-III]

S.O. 2243.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3743 dated 31-12-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the

right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM JNDBTO BALOL GGS.

State : Gujarat District & Taluka : Meshana

Village	SurveyNo.	Hectare	Are	Centiare
KHARA	156/5	0	16	08
	156/4	0	08	04
	156/1	0	05	16
	155/3	0	10	80
	155/1	0	02	40
	154/2	0	05	16

[No. O-11027/192/88-ONG-D-III]

का. आ. 2244.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार पेट्रोलियम और प्राकृतिक गैस मंत्रालय का आ. 3740 तारीख 31-12-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइन को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार तबूद्वारा घोषित करती है कि इस अधिसूचना में संलग्न

अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजाय तेल और प्राकृतिक गैस आयोग में; सभी बाधाओं से मुक्त रूप में, घोषणा की इस तारीख को निहित होगा।

अनुसूची

जे. एन. सी.—10 से जे. एन. ए. ई. तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : व ताल्लुका : मेहसाना

गांव	सर्वे नं.	हेक्टेयर	आरे.	सेंटीयर
शुपाना	183	0	03	60
	182	0	10	32
	185	0	06	84
	310	0	07	08
	190	0	03	84
	191	0	04	68
	209	0	05	28
	210	0	01	80

[सं O-11027/197/88-ओएनजी-डी-III]

S.O. 2244.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3740 dated 31-12-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELING FROM JNC-10 TO JNAE.

Statae : Gujarat District & Taluka : Mehsana

Vi	Survey No.	Hecatre	Are	Centire
JOTANA	183	0	03	60
	182	0	10	32
	185	0	06	84
	310	0	07	08
	190	0	03	84
	191	0	04	68
	209	0	05	28
	210	0	01	80

[No. O-11027/197/88-ONG-D-III]

का. भा. 2245.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. भा. 1631 तारीख 25-4-88 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची अधिसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करते के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजह से तेल और प्राकृतिक गैस आयोग में, बाधाओं से मुक्त रूप में, घोषणा के प्रकान की इस तारीख को नष्ट होगा।

अनुसूची

मेथिकड, सी. टी. एफ. से सरखेज तक पाइपलाइन बिछाने के लिए।

राज्य : गुजरात जिला : मेहसाणा तालुका : कडा

गांव	सर्वे नं.	हेक्टेयर	आर.	सेंटीयर
1	2	3	4	5
नरणापुरा	1/14	0	19	80
	7	0	16	22
	13/2	0	02	15
	10	0	06	37
	11	0	23	43
	कार्ट ट्रेक	0	06	40
	41	0	22	00
	कार्ट ट्रेक	0	02	60
	40/1	0	09	00
	40/2	0	07	79
	39	0	03	85
	69/बी	0	03	46
	72	0	00	44
	71	0	29	92
	73	0	05	04
	74/1	0	08	40
	74/2	0	08	60
	65/बी	0	15	60
	76	0	39	91
	79/1	0	09	90
	79/2	0	10	00
	85/ए	0	14	00
	85/बी	0	12	60
	86	0	16	00
	87	0	16	41
	88	0	01	19
	92	0	07	10
	92/1	0	10	20
	91	0	19	53
	165	0	11	20

[सं. O-11027/103/88 ओएनजी-डी-III]

के. विवेकानन्द डेस्क अधिकारी

S.O. 2245.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 1631 dated 20-4-88 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM NORTH KADI CTF TO SARK HEO

State : Gujarat District : Mehsana Taluka : Kadi

Village	Survey No.	Hectare	Acre	Centiare
1	2	3	4	5 6
NARSHIPURA	14	0	19	80
	7	0	16	22
	13/2	0	02	15
	10	0	06	37
	11	0	23	43
	Cert track	0	06	40
	41	0	22	00

1	2	3	4	5	6
		Cart track	0	02	60
		40/1	0	09	00
		40/2	0	07	79
		39	0	03	85
		69/B	0	03	46
		72	0	00	44
		71	0	29	92
		73	0	25	04
		74/1	0	08	40
		74/2	0	08	60
		65/B	0	15	60
		76	0	39	91
		79/1	0	09	90
		79/2	0	10	00
		85/A	0	14	00
		85/B	0	12	60
		86	0	16	00
		87	0	16	41
		88	0	01	19
		92	0	07	10
		92/1	0	10	20
		91	0	19	53
		165	0	11	20

[No. O-11027/103/88-ONG-D-III]

K. VIVEKANAND, Desk Officer

ऊर्जा मंत्रालय

(कोयला विभाग)

नई दिल्ली, 16 अगस्त, 1989

का.पा. 2246.—केन्द्रीय सरकार ने, कोयला धारक क्षेत्र भर्जन और विकास अधिनियम 1957 (1957 का 20) की धारा 7 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना स. का. पा. 1093 (अ), तारीख 21 दिसम्बर, 1987 द्वारा उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र में भूमि का भर्जन करने के अपने प्राप्ति की सूचना दी थी :

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 8 के अनुसरण में अपनी रिपोर्ट केन्द्रीय सरकार को दे दी है ,

और केन्द्रीय सरकार को, पूर्वोक्त रिपोर्ट पर विचार करने और बिहार सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे अनुसूची में वर्णित 967.27 एकड़ (लगभग) या 391.45 हेक्टर (लगभग) माप की भूमि का भर्जन किया जाना चाहिए ,

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि 967.27 एकड़ (लगभग) या 391.45 हेक्टर (लगभग) माप की भूमि का भर्जन किया जाता है ।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक का निरीक्षण उपायुक्त धनबाद (बिहार) के कार्यालय में या कोयला नियंत्रक, 1-कार्जसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या निदेशक (तकनीकी), ईस्टर्न कोलकोल्स लिमिटेड, सेंटोरिया, हाऊसिंग डिपार्टमेंट, जिला बर्दवान (पश्चिमी बंगाल) के कार्यालय में किया जा सकता है ।

अनुसूची

गणकलवादी ज्वाल

राजीवजी कोयला क्षेत्र

रेखांक सं. भाग/कि.पी./क्र-5

तारीख 8 फरवरी, 1988

(ऐसी भूमि खनिज करता है जिसमें खनन, खदान, बोर करने, उनको खुदाई करने और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकारों का भर्जन किया जाना है)

खनन अधिकार :

क्रम सं.	योजना	(ग्राम)	बाना सं.	धाना	जिला	क्षेत्रफल एकड़ में	टिप्पणियाँ
1	2	3	4	5	6	7	
1.	कपासारा			63	मिर्जापुर	24.65	भाग
2.	बुधवारपुर			64	"	44.60	भाग

1	2	3	4	5	6	7
3.	बूघापानी	232	चिरकुंवा	बगबाद	184.85	भाग
4.	गोपीनाथपुर	65	निराता	"	341.27	भाग
5.	गलफलवाड़ी	231	चिरकुंवा	"	371.90	सम्पूर्ण
योग :					967.27 एकड़ (लगभग)	
या					391.45 हेक्टर (लगभग)	

1. कपासाय मौजा में अर्जित किए गए प्लॉट सं. :

283(भाग), 375, 376(भाग), 377(भाग), 378(भाग), 379, 380(भाग), 389(भाग), 390(भाग), 391, 392, 393(भाग), 394(भाग), 395, 396(भाग), 397, 398, 399, 400, 401(भाग), 450(भाग), 534(भाग), 535(भाग), 634(भाग), 644(भाग), 651(भाग), 652(भाग), 653(भाग), 658(भाग), 659(भाग), 660(भाग).

2. बूघाबनपुर मौजा में अर्जित किए गए प्लॉट सं. :

347(भाग), 368(भाग), 369, 373(भाग), 374(भाग), 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398 (भाग), 436(भाग), 437, 438, 439, 440, 443, 444, 445, 387.

3. बूघापानी मौजा में अर्जित किए गए प्लॉट सं. :

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126(भाग), 127(भाग), 128(भाग), 129(भाग), 130, 131(भाग), 132, 133, 134(भाग), 137, 138(भाग), 138, 139, 140, 142, 143, 144, 145, 146, 147(भाग), 148(भाग), 177(भाग), 178(भाग), 179(भाग), 180(भाग), 181(भाग), 182(भाग), 183, 184(भाग), 185(भाग), 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196(भाग), 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226(भाग), 227(भाग), 242(भाग), 243(भाग), 245(भाग), 246(भाग), 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291(भाग), 295(भाग), 296, 297, 298, 299, 300, 301, 302, 303.

4. गोपीनाथपुर मौजा से अर्जित किए गए प्लॉट सं. :

38(भाग), 40(भाग), 41(भाग), 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93(भाग), 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 147, 153, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 230(भाग), 263(भाग), 264(भाग), 189, 265(भाग), 266, 267, 268, 269, 270(भाग), 271, 272, 273(भाग), 274, 275, 276, 277, 278, 279, 280, 281(भाग), 282, 283, 284, 285, 286, 287(भाग), 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 495, 496, 497, 498, 499, 500(भाग), 501(भाग), 503(भाग), 504, 506(भाग), 556(भाग), 572(भाग), 574(भाग), 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622(भाग), 624(भाग), 630(भाग), 629, (भाग), 730, 731(भाग), 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 760, 761, 762, 763, 764, 765, 766, 767, 768, 770, 771, 783(भाग), 784(भाग), 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 797, 798, 799, 800, 801, 802, 444, 484, 595.

3. गलफलवाड़ी मोजा से छविट किए गए प्लाट सं. :

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38.

सीमा वर्णन :

- क-ख रेखा मोजा कपासारा में प्लाट सं. 377, 385, 378, 379, 383, 389, 390, 393, 394, 396, 401, 408, 450, और 531 में से होकर जाती है और बिन्दु "ख" पर मिलती है ।
- ख-ख, ख2-ग रेखाएं प्लाट सं. 534, 535, से होकर और 632 की भाग पश्चिमी सीमा के साथ साथ मोजा बुन्दावनपुर के 398 से होकर मोजा कपासारा के 634 से होकर जाती है और गोपीनाथपुर और बुन्दावनपुर मोजा के बीच सम्मिलित सीमा पर बिन्दु "ग" पर मिलती है ।
- ग-घ रेखा गोपीनाथपुर और बुन्दावनपुर मोजा के बीच सम्मिलित सीमा के साथ-साथ जाती है और बिन्दु "ग" पर मिलती है ।
- घ-ङ रेखा मोजा कपासारा के 634, 654 और 652 के बीचों-बीच बुन्दावनपुर मोजा के प्लाट 436 से होकर जाती है और बिन्दु "ङ" पर मिलती है ।
- ङ-च रेखाएं प्लाट 652, 654, 658, 650, 651 से होकर 657 तथा 634 की सीमा से और कपासारा मोजा के प्लाट सं. 659 तथा 640 से होकर जाती है और बिन्दु "च" पर मिलती है ।
- च-छ रेखा मोजा कपासारा के प्लाट 640 से होकर जाती है और कपासारा एङ्गरकूर मोजा के बीच सम्मिलित सीमा पर बिन्दु "छ" पर मिलती है ।
- छ-ज रेखा कपासारा और एङ्गरकूर के बीच सम्मिलित सीमा के साथ साथ जाती है और कपासारा, बुन्दावनपुर, एङ्गरकूर और गलफलवाड़ी मोजा की सम्मिलित सीमा के सम्म पर बिन्दु "ज" पर मिलती है ।
- ज-ज¹-ज2-झ रेखा गलफलवाड़ी और एङ्गरकूर और बूधापानी के बीच सम्मिलित सीमा के साथ साथ जाती है और बिन्दु "झ" पर मिलती है ।
- झ-झा रेखा मोजा बूधापानी की पूर्वी सीमा के साथ साथ जाती है और बूधापानी कज दक्षिण सीमा पर बिन्दु "झा" पर मिलती है ।
- झा-ट रेखा बूधापानी मोजा की दक्षिणी सीमा के साथ-साथ जाती है और बिन्दु "ट" पर मिलती है ।
- ट-ठ रेखा मोजा बूधापानी के प्लाट 303, 296, 295, 291, 242, 243, 245, 246, और 226 से होकर जाती है और बिन्दु "ठ" पर मिलती है ।
- ठ-ड रेखा प्लाट 226, 227, 237, 182, 181, 180, 176, 178, 177, 184, 185 और 186 से होकर जाती है और बिन्दु "ड" पर मिलती है ।
- ड-ड रेखा प्लाट मोजा बूधापानी के प्लाट 196, 126, 127, 128, 129, 131, 134, 136, 146, 148, 147, और 144 से होकर जाती है और बिन्दु "ड" पर मिलती है ।
- ड-ण रेखा बूधापानी और धानकोड़ा मोजा के बीच भाग सम्मिलित सीमा के साथ-साथ जाती है और बूधापानी, गलफलवाड़ी और धानकोड़ा मोजा के त्रिसंगम बिन्दु पर बिन्दु "ण" पर मिलती है ।
- ण-त रेखा गलफलवाड़ी और धानकोड़ा मोजा के बीच भाग पूर्वी सीमा के साथ-साथ जाती है और गलफलवाड़ी, जामदोही और धानकोड़ा मोजा के त्रिसंगम पर बिन्दु "त" पर मिलती है ।
- त-थ रेखा गलफलवाड़ी और जामदोही मोजा के बीच सम्मिलित सीमा के साथ-साथ जाती है और गोपीनाथपुर, जामदोही और गलफलवाड़ी मोजा के त्रिसंगम पर बिन्दु "थ" पर मिलती है ।
- थ-द रेखा पालासिया और गोपीनाथपुर और मगरवायनपुर और गोपीनाथपुर के बीच सम्मिलित सीमा के साथ-साथ जाती है और बिन्दु "द" पर मिलती है ।
- द-ख रेखा मोजा गोपीनाथपुर के 235, 155, 41, 783, 40, 38, 93 से होकर 228 की पश्चिमी सीमा के साथ साथ प्लाट सं. 729, 731, 630, 624, 623, 622, 621, 574, 376, 575, 558, 501, 500, 503, 506, 558, 558, 273, 270, 263, 264, 265, 230 से होकर और मोजा कपासारा के प्लाट सं. 376, 660, 380 और 377 से होकर मोजा बुन्दावनपुर के प्लाट सं. 347, 374, 373, 370, 467, और 368 से होकर जाती है और धार्मिक बिन्दु "क" पर मिलती है ।

[सं. 43015/24/85-सी.ए./एल.एस.उत्तर.]

MINISTRY OF ENERGY

(Department of Coal)

New Delhi, the 16th August, 1989

S.O. 2246.—Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 1093(E) dated the 21st December, 1987, under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) the Central Government

gave notice of its intention to acquire the lands in the locality, specified in the schedule appended to that notification;

AND, WHEREAS, the competent authority in pursuance of section 8 of the said Act has made his report to the Central Government;

AND, WHEREAS, the Central Government after considering the report aforesaid and after consulting the Government of Bihar is satisfied that the lands measuring 967.27 acres (approximately) or 391.45 hectares (approximately) appended hereto should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the lands measuring 967.27 (Approximately) or 391.45 hectares (Approximately) are hereby acquired;

The plan of the area covered by this notification may be inspected in the Office of the Deputy Commissioner, Dhanbad (Bihar) or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the Director (Technical), Eastern Coalfields Limited, Sanctoria, Post Office Dishergarh District Burdwan (West Bengal).

SCHEDULE
GALPHALBARI BLOCK
RANIGANJ COALFIELDS
Drawing No. Plan/KP/K-4, 5
Dated the 8th February, 1988

(Showing lands where rights to mine, quarry, bore, dig and search for, win, work and carry away minerals wherein are to be acquired).

MINING RIGHTS :

Sl. No.	Mouza (Village)	Thana number	Police Station (Thana)	District	Area in acres	Remarks
1.	Kapasara	63	Nirsha	Dhanbad	24.65	Part
2.	Brindabanpur	64	Nirsha	Dhanbad	44.60	Part
3.	Dudhapani	232	Chirkunda	Dhanbad	184.85	Part
4.	Gopinathpur	65	Nirsha	Dhanbad	341.27	Part
5.	Galfalbari	231	Chirkunda	Dhanbad	371.90	Full

Total : 967.27 acres
(apxroximately),

OR 391.45 hectares (approimately).

1. Plot Numbers to be acquired in Kapasara Mouza :

283(P), 375, 376(P), 377(P), 379, 380(P), 389(P), 390(P), 391, 392, 378(P), 393(P), 394(P), 395, 396(P), 397, 398, 399, 400, 401(P), 450(P), 534(P), 535(P), 634(P), 644(P), 651(P), 652(P), 653(P), 659(P), 658(P), 660(P).

2. Plot numbers to be acquired in Brindabanpur Mouza :

347(P), 368(P), 369, 373(P), 374(P), 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398(P), 436(P), 437, 438, 439, 440, 443, 444, 445, 387.

3. Plot numbers to be acquired in Dudhapani Mouza :

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60,

61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 82, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127(P), 128(P), 129(P), 130, 131(P), 132, 133, 134(P), 137, 136(P), 138, 139, 140, 141, 142, 143, 144, 145, 146, 147(P), 148(P), 177(P), 178(P), 179(P), 180(P), 181(P), 182(P), 183, 184(P), 185(P), 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196(P), 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226(P), 227(P), 242(P), 243(P), 245(P), 246(P), 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291(P), 295(P), 296, 297, 298, 299, 300, 301, 302, 303.

4. Plot numbers to be acquired in Gopinathpur Mouza :

38(P), 40(P), 41(P), 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93(P), 94, 95, 96, 97, 98, 99, 100, 101, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 147, 153, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 230(P), 263(P), 264(P), 189, 265(P), 266, 267, 268, 269, 270(P), 271, 272, 273(P), 274, 275, 276, 277, 278, 279, 280, 281(P), 282, 283, 284, 285, 286, 287(P), 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500(P), 501(P), 503(P), 504, 506(P), 556(P), 572(P), 574(P), 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622(P), 624(P), 630(P), 629(P), 730, 731(P), 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 642, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 660, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 783(P), 784(P), 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 797, 798, 799, 800, 801, 802, 444, 494, 495,

5. Plot numbers to be acquired in Gulfarbari Mouza :

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38.

BOUNDARY DESCRIPTION :

- A—B Line passes through plots 377, 380, 378, 379, 383, 389, 390, 393, 394, 396, 401, 400, 450 and 531 in mouza Kapasara and meets at point 'B'.
- B—B₁—B₂—C Lines pass through plots 534, 535 and along part western boundary of 632 and through 634 of mouza Kapasara through 398 of mouza Brindabanpur and meet at point 'C' on the common boundary between Gopinathpur and Brindabanpur mouza.
- C.D Line passes a long with common boundary between Gopinathpur and Brindabanpur mouzas and meets at point 'D'.
- D—E Line passes through plot 436 of Brindabanpur mouza across 634, 654 and 652 of mouza Kapasara and meets at point 'E'.

E—F	Lines pass through plots 652, 654, 658, 650, 651 through boundary of 657 and 634 and plot 659 and 640 of Kapasara mouza and meets at point 'F'.
EF—G	Line passes through plot 640 of mouza Kapasara and meets at point 'G' on the common boundary between Kapasara—Edgarcoor mouza.
G—H	Line passes along the common boundary between Kapasara and Edgarcoor and meets at point 'H' on the common boundary pillar of Kapasara, Brindabanpur, Edgarcoor and Galfalbari mouzas.
H—H—H—I	Lines pass along common boundary between Galfalbari and Edgarcoor and Dudhapani mouzas and meet at point 'I'.
I—J	Line passes along the Eastern boundary of mouza Dudhapani and meets at point 'J' on the southern boundary of Dudhapani.
J—K	Line passes along the southern boundary of Dudhapani mouza and meets at point 'K'.
K—L	Line passes through plots 303, 296, 295, 291, 242, 243, 245, 246 and 226 mouza Dudhapani and meets at point 'L'.
L—M	Line passes through plots 226, 227, 237, 182, 181, 180, 176, 178, 177, 184, 185, and 196 and meets at point 'M'.
M—N	Line passes through plots 196, 126, 127, 128, 129, 131, 134, 136, 146, 148, 147 and 144 of mouza Dudhapani and meets at point 'N'.
N—O	Line passes along part common boundary between Dudhapani and Dhankora mouza and meets at point 'O' on junction point of Dudhapani, Galfalbari and Dhankora mouzas.
O—P	Line passes along part eastern boundary between Galfalbari and Dhankora mouzas and meets at point 'P' on the trijunction on point of Galfalbari, Jamdohi and Dhankora mouza.
P—Q	Line passes along the common boundary between Galfalbari and Jamdohi mouzas and meets at point 'Q' on the trijunction point of Gopinathpur, Jamdohi and Galfalbari mouzas.
Q—R	Line passes along the common boundaries between Palasiya and Gopinathpur and Agar-chayanpur and Gopinathpur mouzas and meets at point 'R'.
R—S	Line passes through plot 729, 731, 630, 624, 623, 622, 621, 574, 576, 575, 558, 501, 500, 503, 506, 558, 273, 270, 263, 264, 265, 230 along western boundary 228 through 230, 155, 41, 783, 40, 38, 93, of mouza Gopinathpur through plot Nos. 347, 374, 373, 370, 367 and 368 of mouza Brindabanpur through plots 376, 660, 380 and 377 of mouza Kapasara and meets at starting point 'A'.

[No. 43015/24/85-CA/LSW]

का.प्र. 2247—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपायय अनुसूची में उल्लिखित भूमि में कोयला अभिग्राह्य किए जाने को मनावना है;

अतः, केन्द्रीय सरकार, कोयला धारक क्षेत्र (मार्जिन और विकास) अधिनियम, 1957 (1957 का 20) को धारा 4 की उपधारा (1) द्वारा प्रस्तुत शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक नं. सी-1(ई) कोल्हा/432—0789 का निराकरण वेस्टर्न कोल लि. (राज्य विभाग) कोल एस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) के कार्यालय में प्रयत्ना कलक्टर छिन्दावाड़ा (मध्य प्रदेश) के कार्यालय में प्रयत्ना कोयला नियंत्रक, 1, काउन्सिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में हितवन् सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चाटों और अन्य दस्तावेजों को, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से मन्ने दिन के भीतर, राज्य प्रधिकारी, वेस्टर्न कोलफील्ड्स लि., कोल एस्टेट, सिविल लाइन्स, नागपुर-440001 को भेजेंगे।

अनुसूची
माधोरी ब्लॉक
कम्प्लान क्षेत्र
जिला छिन्नाड़ा (मध्य प्रदेश)
पूर्वोक्त के लिए अधिसूचित सूची

क्र.सं.	ग्राम का नाम	वन का नाम	पटवारी सक्षिप्त संख्या	कम्पाटमेंट संख्या	तहसील	जिला	क्षेत्र एकड़ में	टिप्पणियाँ
1.	खारी	—	38/29	—	जुमोरखी	छिन्नाड़ा	5.212	भाग
2.	मकाठिया	वन	—	XXIX	जुमोरखी	छिन्नाड़ा	61.675	भाग
3.		बोचन पत्तार	—	XLIII	जुमोरखी	छिन्नाड़ा	52.644	भाग
		पत्तार	—	XLVIII			71.549	भाग
4.		सम्पनवाड़ा बर्रा	—	XXIX	जुमोरखी	छिन्नाड़ा	45.326	भाग
			—	XXX				
कुल क्षेत्र							267.211	
							एकड़ (लगभग)	
							या	
							666.28	
							हेक्टेयर (लगभग)	

सीमा वर्णन :

- क-ख रेखा ग्राम सम्पन वाड़ा में पूर्वी वन कम्पाटमेंट सं. XXIX में बिन्दु "क" से प्रारंभ होती है और बोचन पत्तार के कम्पाटमेंट सं. XLIII और XLVII में वन क्षेत्र से होकर गुजरती है और बिन्दु "ख" पर मिलती है।
- ख-ग रेखा वन कम्पाटमेंट सं. XLIII से होकर गुजरती है और बिन्दु "ग" पर मिलती है।
- ग-घ रेखा कम्पाटमेंट सं. XLIII में बोचन पत्तार से होकर गुजरती है और बिन्दु "घ" पर मिलती है।
- घ-ङ रेखा ग्राम माधोरी राजसबाड़ी की ग्राम सीमा और वन कम्पाटमेंट सं. XLIII के साथ साथ जाती है और बिन्दु "ङ" पर मिलती है।
- ङ-च रेखा ग्राम माधोरी और कम्पाटमेंट सं. XLIII की सम्मिश्रित सीमा से होकर जाती है और बिन्दु "च" पर मिलती है।
- च-छ रेखा ग्राम मकाठिया और माधोरी की सम्मिश्रित सीमा से होकर जाती है और बिन्दु "छ" पर मिलती है।
- छ-ज रेखा मकाठिया वन कम्पाटमेंट सं. XLII ग्राम खारी और सम्पनवाड़ा बर्रा कम्पाटमेंट सं. XXX से होकर जाती है और बिन्दु "ज" पर मिलती है।
- ज-क रेखा सम्पनवाड़ा बर्रा के वन कम्पाटमेंट सं. XXX और कम्पाटमेंट सं. XXIX से होकर जाती है और प्रारंभिक बिन्दु "क" पर मिलती है।

सं० 43615/6/88—एन० एन० डब्ल्यू

S.O. 2247—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. C-1 (E) III/GR/432-0789 of the area covered by this notification can be inspected at the Office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur 440001 (Maharashtra) or at the Office of the Collector, Chhindwara (Madhya Pradesh) or at the Office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Revenue Officer, Western Coalfields Limited, Coal Estate Civil Lines, Nagpur-440 001, within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE
MAORI BLOCK
KANHAN AREA
DISTRICT CHHINDWARA (MADHYA PRADESH)

Sl. No.	Name of the Village	Forest	Patwari circle number	Compartment number	Tahsil	District	Area in hectares.	Remarks
1.	Khari	—	39/29	—	Jannordeo	Chhindwara	5.212	Part
2.	Nakatia	Forest	—	XXXII	Junnordeo	Chhindwara	61.675	Part
3.	—	Dobhan	—	XLIII	Junnordeo	Chhindwara	52.044	Part
		Pathar	—	XLVIII			71.549	Part
4.	—	Samwanwara Barra.	—	XXIX	Junnordeo	Chhindwara	31.405	Part
				XXX			45.326	Part
Total area :							267.211 hectares (approximately)	
							OR	
							660.28 acres (approximately)	

BOUNDARY DESCRIPTION :

A—B	Line starts from point 'A' in the village, Samwanwara Barra Forest Compartment No. XXIX and passes through Forest Area in Compartment No. XLVIII and XLIII of Dobhan Pathar and meets at point 'B'.
B—C	Line passes through Forest Compartment No. XLIII and meets at point 'C'.
C—D	Line passes through Dobhan Pathar in Compartment No. XLIII and meets at point 'D'.
D—E	Line passes along the village boundary of village Ghogri Rayatwari and Forest Compartment No. XLIII and meets at point 'E'.
E—F	Line passes through the common boundary of village Maori and Compartment No. XLIII and meets at point 'F'.
F—G	Line passes through the common boundary of village Nakatia and Maori and meets at point 'G'.
G—H	Line passes through Nakatia Forest Compartment No. XXXII village Khari and Samanwara Barra Compartment No. XXX and meets at point 'H'.
H—A	Line passes through Forest Compartment No. XXX of Samanwara and Compartment No. XXIX and meets at starting point 'A'.

[No. 43015/6/89-LSW]

नई दिल्ली, 22 अगस्त, 1989

का.सा. 2249.—केन्द्रीय सरकार को यह प्रतीत होता है कि सबसे उपार्द्ध अनुसूची में उल्लिखित भूमि में कोयला अधिप्राप्त किए जाने की संभावना है;

अतः, केन्द्रीय सरकार, कोयला ब्लॉक क्षेत्र (पर्यटन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रस्तावित क्षेत्रों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने अधिकार को सूचना देती है;

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक सं. राजस्व 10/89 तारीख 28 मार्च, 1989 का निरोधक सेंट्रल कोलफील्ड्स लि., राजस्व धंधा, दरभंगा हाउस, रांची-834 001 (बिहार) के कार्यालय में अथवा उपर्युक्त रांची (बिहार के कार्यालय में अथवा नियंत्रक), 1, काउंसिल हाउस, स्ट्रीट, कलकत्ता-700 001 के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में हितवादी सभी व्यक्ति उक्त अधिनियम की धारा 13 की धारा (7) में निर्दिष्ट सभी वर्गों, जातों और अन्य वस्तुओं की, इस अधिसूचना के प्रकाशन की तारीख से नब्बे दिन के भीतर राजस्व अधिकारी, सेंट्रल कोलफील्ड्स लि., दरभंगा हाउस, रांची को भेजेंगे।

अनुसूची

करकटा बेसिन, विस्तार ब्लॉक

मार्च करनपुरा कोलफील्ड्स

जिला: रांची

अर्थक्षण के लिए अधिसूचित भूमि रेखांक: क. राजस्व-10/89, तारीख 28 मार्च, 1989

क्र.सं.	ग्राम	थाना	थाना सं.	जिला	क्षेत्र हेक्टेरों में	टिप्पणियाँ
1. नवादिह		बर्मु	4	रांची	44.50	भाग
				कुल क्षेत्र	44.50	हेक्टेयर (लगभग)
					या	
					110.00	एकर (लगभग)

सीमा वर्णन:

- क-ख रेखा ग्राम नवादिह में से होकर जाती है और बिन्दु "ख" पर मिलती है।
 ख-ग रेखा ग्राम नवादिह में से होकर जाती है और बिन्दु "ग" पर मिलती है।
 ग-घ रेखा ग्राम नवादिह और करकटा की सम्मिलित सीमा के साथ-साथ जाती है और बिन्दु "घ" पर मिलती है।
 घ-ङ रेखा ग्राम नवादिह में से होकर जाती है जो कोयला धारक क्षेत्र (अग्नि और विकास) अधिनियम, 1957 की धारा 9(1) के अधीन अंकित करकटा बेसिन ब्लॉक की सम्मिलित सीमा बनाती है, और आरंभिक बिन्दु "क" पर मिलती है।

[सं. 43015/10/89 एल.एस. डब्ल्यू]

New Delhi, the 22nd August, 1989

S.O. 2248 :—Whereas it appears to the Central Government that coal is likely to be obtained from the land mentioned in the Schedule hereto annexed;

Now, therefor in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein;

The plan No. Rev./10/89 dated the 28th March, 1989 of the area covered by this notification may be inspected in the office of the Central Coalfields Limited, Revenue Section, Durbhanga House, Ranchi-834001 (Bihar) or in the office of the Deputy Commissioner, Ranchi (Bihar) or in the office of the Coal Controller, 1, Council House Street, Calcutta-700001.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section 7 of section 13 of the said Act to the Revenue Officer, Central Coalfields Limited, Darbhanga House, Ranchi within ninety days from the date of the publication of the notification.

SCHEDULE

KARNATAKA WEST TUMANG EXTEN. BLOCK NORTH KARANPURA COALFIELDS DISTRICT RANCHI

Plan No. Rev./10/89, dated the 28th March, 1989 (showing lands notified for prospecting)

Sl. No.	Village	Thana	Thana number	District	Area in hectares.	Remarks
1.	Nawadih	Burmu	4	Ranchi	44.50	Part
Total area : 44.50 hectares (approximately)						
OR 110.00 acres (approximately)						

BOUNDARY DESCRIPTION :

A—B Line passes through village Nawadih and meets at point 'B'.

B—C	line passes through village Nawadih and meets at point 'C'.
C—D	line passes along part common boundary of villages Nawadih and Karkatta and meets at point 'D'.
D—E—F	lines pass through village Nawadih (which forms part common boundary of Karkatta West Tumang Block acquired U/s 9(1) of Coal Bearing Areas (Acquisition and Development) Act, 1957 and meet at starting point 'A'.

[No. 43015/10/89-LSW]

शब्द-यत्न

का.आ. 2249.—भारत के राजपत्र भाग 2, खण्ड 3, उपखण्ड (ii) तारीख 7 जनवरी, 1989, में पृष्ठ 22 से 25 पर प्रकाशित भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का. आ. 31 तारीख 30 दिसम्बर, 1988 में —

पृष्ठ 22 पर —

- (1) "भारत के राजपत्र भाग 2, खण्ड 3, उपखण्ड (ii)" के स्थान पर "भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii)" पढ़िए।
- (2) "23 दिसम्बर, 1985 द्वारा" के स्थान पर "23 दिसम्बर, 1986 द्वारा" पढ़िए।
- (3) "परिक्षेत्र में 1904.648 हेक्टर (लगभग)" के स्थान पर "परिक्षेत्र में 1904.64 हेक्टर (लगभग)" पढ़िए।

पृष्ठ - 23 पर

- (4) (क) "650.00 एकड़ (लगभग)" के स्थान पर "या 560.00 एकड़ (लगभग)" पढ़िए।
- (5) (ख) "या 2478.26 एकड़ (लगभग)" के स्थान पर "या 2478.27 एकड़ (लगभग)" पढ़िए।

अनुसूची (क) में —

- (6) "पठखेरा क्षेत्र" के स्थान पर "पाथखेरा क्षेत्र" पढ़िए और जहाँ कहीं यह शब्द प्रयुक्त हुआ हो, उस स्थान पर "पाथखेरा" पढ़िए।
- (7) ग्राम छत्तरपुर में अर्जित किए जाने वाले प्लॉट संख्यांक में — "4321 भाग", के स्थान पर "43212 भाग" पढ़िए।

सीमा वर्णन में —

- (8) "रेखा ख-ग-ध में" पृष्ठ संख्यांक 5513,551" के स्थान पर "551/3, 551/1" पढ़िए।

पृष्ठ-24 पर —

- (9) रेखा ब-छ-ज-झ-ञ-ट से ब "46631, 47313" के स्थान पर "463, 432/2" पढ़िए और फिर प्लॉट संख्यांक "531" के स्थान पर "531, 529" पढ़िए।

अनुसूची (ख) (भाग-1) में —

- (10) ग्राम छत्तरपुर में अर्जित किए जाने वाले प्लॉट संख्यांक में "4212, 44 भाग" के स्थान पर "4212, 43, 44 भाग" पढ़िए और "27411, 27712," के स्थान पर "274/1, 274/2" पढ़िए और "2921/1" के स्थान पर "392/1" पढ़िए और "440412" के स्थान पर "404/1" पढ़िए।
- (11) ग्राम केरिया उमरी में अर्जित किए जाने वाले प्लॉट संख्यांक में "191/2" के स्थान पर "191/2 भाग" पढ़िए।
- (12) ग्राम सोनापुर में अर्जित किए जाने वाले प्लॉट संख्यांक में "164/1" के स्थान पर "164/1 भाग" पढ़िए।

सीमा वर्णन में —

- (13) रेखा "ब-छ-ज" के स्थान पर "ब-छ-ज-झ-ञ-ट" पढ़िए। और "460," के स्थान पर "460/2" पढ़िए और "297/2," के स्थान पर "279/3" पढ़िए और "द्वार सं." के स्थान पर "प्लॉट सं." पढ़िए।

पृष्ठ 25 पर —

- (14) रेखा व-ग-न-य-व- में "और 191" के स्थान पर "और 191/2" पढ़िए।
- (15) रेखा द-ध-न-य में — "प्लॉट सं. 21" के स्थान पर "121" पढ़िए।
- (16) रेखा प-फ-न में — "पठखेरा ब्लाक III" के स्थान पर "पाथखेरा ब्लाक-III" पढ़िए।

अनुसूची (ख) भाग II में —

- (17) ग्राम छत्तरपुर में अर्जित किए जाने वाले प्लॉट संख्यांक में "431/1 भाग" के स्थान पर "432/1 भाग" पढ़िए।

सीमा वर्णन में —

- (18) "पठखेरा बेस्टर्न ब्लाक सं. 1" के स्थान पर "पाथखेरा बेस्टर्न ब्लाक सं. 1" पढ़िए।
- (19) रेखा व-घ में "आरंभिक बिन्दु पर मिलती है" के स्थान पर "आरंभिक बिन्दु "ख" पर मिलती है" पढ़िए।

[सं. 430/15/10/86-सी.ए./एल.एस.डब्ल्यू.
बी. बी. राय, अवर सचिव]

CORRIGENDUM

S.O. 2249.—In the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 31, dated the 30th December, 1988, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 7th January, 1989, at pages 26 to 27,—

At page 26,—

- (i) in column 1, line 8, for "1904.648" read "1904.64" ;
- (ii) in column 1, line 29, for "Hiuse" read "House" ;
- (iii) in column 1, line 18 from bottom, for "gave" read "give" ;
- (iv) in column 2, line 21, for the figures "543" read "453" ;
- (v) in column 2, line 19 from bottom, omit "551/1" ;

At page 27,—

- (i) in column 1, line 29, for "74/2" read "244/2" ;
- (ii) in column 1, line 9 from bottom, for "401" read "491" ;
- (iii) in column 1, line 2 from bottom, for "Salaiva an" read "Salaiya in" ;
- (iv) in column 2, line 3, for "Pot numbers" read "Plot numbers" ;
- (v) in column 2, line 17 from bottom, for "vilage" read "village" ; and
- (vi) in column 2, line 10 from bottom, for line "W" read "D-W".

[No. 43015/16/86-CA/86-CA]LSW]

B. B. RAO, Under Secy.

नई दिल्ली, 21 अगस्त, 1989

का. आ. 2250—केन्द्रीय सरकार, कोयला खान भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1948 (1948 का 46) की धारा 3-ग की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस विभाग की अधिसूचना सं० 3948, तारीख 7 नवम्बर, 1984 को अधिक्रान्त करते हुए श्री शंकर प्रसाद के स्थान पर श्री ओ० पी० गुल्ला को कोयला खान भविष्य निधि संगठन, धनबाद में 3 जुलाई, 198 से उक्त उपधारा के प्रयोजनार्थ कोयला खान भविष्य निधि आयुक्त नियुक्त करती है।

सं० 22/6/88-ए०एस०ओ० 1]

New Delhi, the 21st August, 1989

S.O. 2250.—In exercise of the powers conferred by sub-section (1) of section 3-C of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948) and in supersession of this Department's notification No. 3948, dated the 7th November, 1984, the Central Government hereby appoints Shri O. P. Gulla, as the Coal Mines Provident Fund Commissioner in the Coal Mines Provident Fund Organisation, Dhanbad vice Shri Shankar Prasad, with effect from the 3rd July, 1989, until further orders, for the purposes of the said sub-section.

[No. 22/6/88-ASO (ii)]

नई दिल्ली, 21 अगस्त, 1989

का. आ. 2251.—कोयला खान भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1948 (1948 का 46) की धारा 9 की उपधारा (2) के अनुसरण में और भारत सरकार के ऊर्जा मंत्रालय, कोयला विभाग की अधिसूचना का. आ. 3948, तारीख 7 नवम्बर, 1984 को अधिक्रान्त करते हुए, श्री ओ. पी. गुल्ला, कोयला खान भविष्य निधि आयुक्त, धनबाद को 3 जुलाई, 1989 से उक्त उपधारा के प्रयोजनार्थ प्राधिकारी के रूप में विनिर्दिष्ट करती है।

[सं० 22/6/88-ए०एस०ओ० (ii)]

श्रीमती शालिनी शर्मा निर्देशक

New Delhi, the 21st August, 1989

S.O. 2251.—In pursuance of sub-section (2) of section 9 of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948) and in supersession of the notification of the Government of India in the Ministry of Energy, Department of Coal, No. S. O. 3948, dated the 7th November, 1984, the Central Government hereby specifies Shri O. P. Gulla, the Coal Mines Provident Fund Commissioner, Dhanbad, as the authority with effect from the 3rd day of July, 1989, for the purposes of the said sub-section.

[No. 22/6/88-ASO (i)]

SHALINI SHARMA, Director

साख एवं नागरिक पूर्ति मंत्रालय

(नागरिक पूर्ति विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 11 अगस्त, 1989

का. आ. 2252.—भारतीय मानक ब्यूरो (प्रमाणन) नियम, 1987 के नियम 9 के उपनियम (2) के अनुसरण में एतद्वारा यह अधिसूचित किया गया है कि IS : 2448 (भाग 2) 1968 से संबंध विद्युत प्रयोजनों के लिए पोकीसी अस्तर लगे आसंजी विद्युतरोधी टेपों की मानक मुहर का डिजाइन निर्धारित कर लिया गया है और जिसके ब्योरे भारत के राजपत्र, भाग 2, खंड 3, उपखंड (2), दिनांक 1978-01-21 का. आ. संख्या 3053 दिनांक 1978-09-29 के अन्तर्गत प्रकाशित किए गए हैं, दिनांक 1988-09-01 से रद्द कर दिया गया है।

[सं० सीएमडी/13 : 9]

MINISTRY OF FOOD AND CIVIL SUPPLIES

(Deptt. of Civil Supplies)

BUREAU OF INDIAN STANDARDS

New Delhi, the 11th August, 1989

S.O. 2252.—In pursuance of sub-rule (2) of rule 9 of the Bureau of Indian Standards (Certification) Rules, 1987, it is hereby notified that the design of the Standard Mark of adhesive insulating tapes with PVC substrates for electrical purposes, relating to IS : 2448 (Part II)—1968, details of which were published in the Gazette of India, Part-II, Section-3, Sub-section (ii) dated 1978-10-21 under No. S.O. 3053 dated 1978-09-29, has been rescinded with effect from 1988-09-01.

[No. CMD/13 : 9]

का.प्र. 2253—भारतीय मानक ब्यूरो विनियम, 1988 के विनियम 6 के उपविनियम (3) के प्रसरण में भारतीय मानक ब्यूरो द्वारा अधिसूचित किया जाता है कि डेल्टामेथ्रीन पायसनीय सांद्र जिसका विवरण नीचे अनुसूची में दिया गया है, को प्रति इकाई मुहर लगाने की फीस निर्धारित कर दी गई है और यह फीस 1988-06-01 से लागू होगी :

अनुसूची

क्र.सं.	उत्पाद/उत्पाद की श्रेणी	सम्बद्ध भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मुहर लगाने की फीस
1	2	3	4	5
1.	डेल्टामेथ्रीन पायसनीय सांद्र	IS : 11996-1987	एक किलो	1. रु. 200.00 प्रति इकाई पहली 100 इकाइयों के लिए, और 2. रु. 100.00 प्रति इकाई 101वीं तथा उससे अधिक के लिए।

[संख्या सी एम डी/13 : 10]

S.O. 2253.—In pursuance of sub-regulation (3) of regulation 6 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby, notifies that the marking fee per unit for deltamethrine EC details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1988-06-01 :

SCHEDULE

Sl. No.	Product Class of Product	No. and year Relevant Indian Standard	Unit	Marking fee per unit
1.	Deltamethrine emulsifiable concentrates	IS : 11996-1987	One KL	(i) Rs. 200.00 per unit for the first 100 units and (ii) Rs. 100.00 per unit for the 101st unit and above.

[No. CMD/13 : 10]

का.प्र. 2254—भारत के राजपत्र, भाग 2, खंड 3, उपखंड (2), दिनांक 1983-11-19 में प्रकाशित खाद्य एवं नागरिक पूर्ति मंत्रालय, नागरिक पूर्ति विभाग (भारतीय मानक संस्था) की अधिसूचना संख्या का.प्र. 4199 दिनांक 1963-10-26 का आंशिक संशोधन करते हुए भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि रक्तदाबमापी की प्रति इकाई मुहरांकन फीस, जिसका विवरण नीचे अनुसूची में दिया गया है, संशोधित कर दी गई है। मुहरांकन फीस की संशोधित दर 1989-05-01 से लागू होगी।

अनुसूची

क्र.सं.	उत्पाद/उत्पाद श्रेणी	संबद्ध भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मुहरांकन फीस
1	2	3	4	5
1.	रक्तदाबमापी निर्रक्त दाह्य	IS : 7652 1975	एक रक्तदाब मापी	रु. 2.00

[संख्या सी एम डी-13 : 10]

S.O. 2254.—In partial modification of the Ministry of Food & Civil Supplies (Deptt. of Civil Supplies (Indian Standards Institution) notification number S.O. 4199 dated 1963-10-26 published in the Gazette of India, Part-II, Section-3, Sub-section (ii) dated 1983-11-19 the Bureau of Indian Standards, hereby notifies that the marking fee per unit for sphygomanometers detail of which are given in the Schedule hereto annexed, has been revised. The revised rate of marking fee shall come into force with effect from 1989-05-01.

SCHEDULE

Sl. No.	Product/Class of Product	No. & Year of the Relevant Indian Standard	Unit	Marking Fee per unit
1.	Sphygomanometers, aneroid type	IS : 7652-1975	One Sphygomanometers	Rs. 2.00

[No. CMD/13 : 10]

का. भा. 2255.—भारतीय मानक ब्यूरो विनियम, 1987 के विनियम 9 के उपविनियम (2) के अनुसरण में यह अधिसूचित किया जाता है कि विभिन्न उत्पादों के मुहर लगाने की फीस अनुसूची के स्तम्भ 2 और 3 को उसी अनुसूची के स्तम्भ 4, 5 व 6 में संशोधित भारत के राजपत्र भाग-2, खंड-3, उपखण्ड (ii) जिसका कि विवरण नीचे अनुसूची के स्तम्भ 7 व 8 में दिया गया है, निर्धारित कर दिया गया है और मुहरांकन फीस की मंगोशित दर 1988-07-01 से लागू होगी :-

अनुसूची

क्रम सं.	उत्पाद	सम्बद्ध भारतीय मानक की संख्या और वर्ष	इकाई	मुहर लगाने की फीस		भारत सरकार के राजपत्र अधिसूचना के संदर्भ के लिए		भारत के राजपत्र के जारी करने की तिथि
				प्रति इकाई रु.	इकाइयों के लिए वै.	एसओ सं. एवं तिथि का अधि-क्रमण	एसओ सं. एवं तिथि के लिए आ-धिक रुपान्तर	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	संरचनात्मक इस्पात मानक (किस्म)	IS : 226-1975	एक टन	1.00	सभी	1344	1344 1982-03-16	1982-04-03
2.	जस्तीकृत इस्पात की चादरें (समतल व क्लीपित)	IS : 227-1977	एक टन	1.00	सभी	---	1344 1982-03-16	1982-04-03
3.	टेलीग्राफ और टेलीफोन के लिए जस्तीकृत इस्पात के तार	IS : 279-1972	एक टन	1.00	सभी	---	"	"
4.	साधारण इंजीनियरी के लिए मुहु इस्पात के तार	IS : 280-1978	एक टन	1.00	सभी	---	"	"
5.	मुहु इस्पात और मध्य तनन इस्पात की छड़ें	IS : 432(भाग 1)--- 1982	एक टन	1.00	सभी	---	"	"
6.	कठोर तानित इस्पात तार	IS : 432(भाग 1)--- 1982	एक टन	1.00	सभी	---	"	"
7.	शीत बेखिलत कार्बन इस्पात की चादरें	IS : 513-1973	एक टन	1.00	सभी	---	"	"
8.	चुम्बकीय परिपथ के लिए गैर-अभिक्रियक विद्युतीय इस्पात	IS : 648-1970	एक टन	1.00	सभी	---	"	"
9.	संरचनात्मक इस्पात (उच्च तनन)	IS : 961-1975	एक टन	1.00	सभी	---	"	"
10.	तप्त बेखिलत कार्बन इस्पात की पट्टियां (बंडल में)	IS : 1029-1970	एक टन	1.00	सभी	---	1344 1982-03-16	1982-04-03
11.	तप्त बेखिलत कार्बन इस्पात की चादरें एवं पट्टियां	IS : 1079-1973	एक टन	1.00	सभी	---	"	"
12.	संरचनात्मक तप्त बेखिलत इस्पात कीलक छड़ें (40 मिमी. व्यास तक)	IS : 1148-1973	एक टन	1.00	सभी	---	"	"
13.	संरचनात्मक उच्च तनन इस्पात कीलक छड़ें	IS : 1149-1973	एक टन	1.00	सभी	---	"	"
14.	कंप्रीट प्रबलीकरण हेतु शीत कृत इस्पात उच्च सांद्रता की विकृत छड़ें	IS : 1786-1985	एक टन	1.00	सभी	---	"	"
15.	रस्सी के लिए गोल इस्पात तार	IS : 1835-1976	एक टन	1.00	सभी	---	367 1969-01-06	1969-01-25
16.	गढ़ाई हेतु कार्बन बिलेट, ब्लूम, स्लैब व छड़ें	IS : 1875-1978	एक टन	1.00	सभी	---	1344 1982-03-16	1982-04-03
17.	संरचनात्मक इस्पात (साधारण किस्म)	IS : 1977-1975	एक टन	1.00	सभी	---	"	"
18.	शीत अपचित टिन प्लेट एवं शीत अपचित ब्लैक प्लेट	IS : 1993-1982	एक टन	1.00	सभी	---	1034 1988-02-22	1988-04-02
19.	बॉयलर इस्पात प्लेट	IS : 2002-1962	एक टन	1.00	सभी	---	1344 1982-03-16	1982-04-03

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
20. संरचनात्मक इस्पात (संरचनात्मक वेल्डिंग गुणवत्ता)	IS : 2062-1969	एक टन	1.00	सभी	—	—	—	—
21. मशीनी पेंच के निर्माण के लिए मृदु इस्पात तार की छड़ (शीत शीर्ष प्रक्रम द्वारा)	IS : 2255-1977	एक टन	1.00	सभी	—	4311 1976-10-27	—	1976-11-20
22. सिप्रिंग के लिए शीत-वेल्डिंग कार इस्पात की पट्टियाँ	IS : 2507-1975	एक टन	1.00	सभी	744 1975-02-24	—	—	1975-03-08
23. संरचनात्मक इस्पात के पुनर्वेल्लन के लिए कार्बन इस्पात बिलेट, ब्लूम तथा स्लैब	IS : 2830-1975	एक टन	1.00	सभी	—	1344 1982-03-16	—	1982-04-03
24. संरचनात्मक इस्पात के पुनर्वेल्लन के लिए कार्बन इस्पात बिलेट, ब्लूम तथा स्लैब (साधारण किस्म)	IS : 2831-1975	एक टन	1.00	सभी	—	1344 1982-03-16	—	1982-04-03
25. धातु चाप वेल्डिंग इलेक्ट्रोड कोड तार के लिए मृदु इस्पात	IS : 2879-1975	एक टन	1.00	सभी	1345 1982-03-16	—	—	—
26. बोल्यूट और कुंडलाकार सिप्रिंग के लिए इस्पात (रेल वेल्डिंग स्टाक)	IS : 3195-1975	एक टन	1.00	सभी	885 1973-02-12	—	—	1973-03-24
27. स्वचालित मिलम्बन के बोल्यूट कुंडलाकार तथा पटलित सिप्रिंग स्टाक के निर्माण के लिए इस्पात	IS : 3431-1975	एक टन	1.00	सभी	536 1975-02-03	—	—	1975-02-22
28. इस्पात की जाँची हुई प्लेटें	IS : 3502-1966	एक टन	1.00	सभी	—	1344 1982-03-16	—	1982-04-03
29. संभरण व निजीकरण इस्पात	IS : 3747-1966	एक टन	1.00	सभी	1345 1982-03-16	—	—	1982-04-03
30. सतत कर्म हेतु मीजार व ठप्पा इस्पात	IS : 3748-1978	एक टन	1.00	सभी	722 1978-02-21	—	—	1978-03-11
31. शीत कार्य के लिए इस्पात के मीजार एवं ठप्पा	IS : 3749-1978	एक टन	1.00	सभी	—	—	—	—
32. पटलित सिप्रिंग के निर्माण के लिए इस्पात (रेलवे वेल्डिंग स्टाक) फ्लैट अनुभाग के लिए	IS : 3885(भाग 1)- 1977	एक टन	1.00	सभी	885 1973-03-12	—	—	1973-03-24
33. पटलित सिप्रिंग के निर्माण के लिए इस्पात (रेलवे वेल्डिंग स्टाक) पर्णुका और खाँचा अनुभाग	IS : 3885(भाग 2)- 1977	एक टन	1.00	सभी	—	—	—	—
34. ज्वाला तथा प्रेरण कठोरीकरण इस्पात	IS : 3930-1979	एक टन	1.00	सभी	—	—	—	—
35. सिप्रिंग बाहर के लिए इस्पात	IS : 4072-1975	एक टन	1.00	सभी	3068 1975-08-08	—	—	1975-09-13
36. हाथीतार के लिए स्ट्रेंचिंग तार और बिजली के लिए इस्पात तार	IS : 4224-1972	एक टन	1.00	सभी	621 1981-01-27	—	—	1981-02-21
37. गोले बेलन और ब्योरिंग के निर्माण के लिए कार्बन क्रोमियम इस्पात	IS : 4398-1972	एक टन	1.00	सभी	237 1975-01-10	—	—	1975-01-25
38. कार्बन और कार्बन-मैंगनीज कार्बन के लिए सुकर्तेनीय इस्पात	IS : 4431-1978	एक टन	1.00	सभी	885 1973-03-12	—	—	1973-03-24
39. केस के लिए कठोरण इस्पात	IS : 4432-1967	एक टन	1.00	सभी	—	—	—	—
40. पेटेन्टेड तथा शीत तानित अमिश्र इस्पात तार	IS : 4454 (भाग 1)- 1981	एक टन	1.00	सभी	2974 1977-09-01	—	—	1977-09-24
41. कठोरण एवं टेम्परी के लिए इस्पात	IS : 5517-1978	एक टन	1.00	सभी	885 1973-03-12	—	—	1973-03-24
42. शीत वेल्डिंग पट्टियाँ (बॉक्स पट्टियाँ)	IS : 5872-1973	एक टन	1.00	सभी	1345 1982-03-16	—	—	1982-04-03

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
43.	घर्म बेल्सित शीत प्रभिरूपेण तथा स्फारण संक्रिया के लिए तप्त बेल्सन इस्पात की प्लेटें	IS : 5986-1970	एक टन	1.00	सभी	—	1344 1982-03-16	1982-04-03
44.	कम दबाव के गैस सिलेण्डरों के निर्माण के लिए तप्त बेल्सन प्लेटों (6 मिमी. तक) की बाहरे एवं पट्टियां	IS : 6240-1976	एक टन	1.00	सभी	1345 1982-03-16	—	1982-04-03
45.	संरचनात्मक इस्पात (मानक किस्म) में बेल्सन के लिए कार्बन इस्पात संयोजन बिलेट निर्दिष्ट	IS : 6914-1978	एक टन	1.00	सभी	—	3253 1973-11-12	1973-11-24
46.	संरचनात्मक इस्पात (साधारण किस्म) में कार्बन इस्पात संयोजन बिलेट निर्दिष्ट	IS : 6915-1978	एक टन	1.00	सभी	—	"	"
47.	चमकीली छड़ों के उत्पादन के लिए तप्त बेल्सित छड़ें	IS : 7283-1974	एक टन	1.00	सभी	—	1344 1982-03-16	1982-04-03
48.	स्वचालित मिलम्वन हेतु कोल्फूट, कुंडलाकार तथा पटलित स्प्रिंग के उत्पादन के लिए इस्पात निर्दिष्ट तथा बिलेट	IS : 8051-1976	एक टन	1.00	सभी	4501 1976-11-05	—	1976-11-27
49.	उत्पादन के लिए इस्पात कोल्फूट तथा कुंडलाकार स्प्रिंग के उत्पादन के लिए इस्पात निर्दिष्ट तथा बिलेट (रेलवे बेल्सन स्टोक के)	IS : 8052-1976	एक टन	1.00	सभी	4501— 1976-11-05	—	1976-11-27
50.	लकड़ी के पेंच के निर्माण व इस्पात तारों के उत्पादन के लिए इस्पात के निर्दिष्ट धीर बिलेट	IS : 8053-1976	एक टन	1.00	सभी	"	—	"
51.	पटलित स्प्रिंग के उत्पादन के लिए निर्दिष्ट एवं बिलेट	IS : 8054-1976	एक टन	1.00	सभी	"	—	"
52.	स्प्रिंग बाशरों के उत्पादन के लिए इस्पात के निर्दिष्ट व बिलेट	IS : 8055-1976	एक टन	1.00	सभी	"	—	"
53.	अपहोस्तरी स्प्रिंगों के कठोर तानित इस्पात तारों के उत्पादन के लिए इस्पात निर्दिष्ट एवं बिलेट	IS : 8056-1976	एक टन	1.00	सभी	"	—	"
54.	मशीन के पेंचों (शीत-शीर्षण प्रक्रम द्वारा) के निर्माण के लिए तार की छड़ के उत्पादन के लिए इस्पात निर्दिष्ट धीर बिलेट	IS : 8057-1976	एक टन	1.00	सभी	4501 1176-11-05	—	1976-11-27
55.	बेल्सन योग्य संरचनात्मक इस्पात (मध्य धीर उच्च सांद्रता गुणता)	IS : 8500-1977	एक टन	1.00	सभी	1345 1982-03-16	—	1982-04-03
56.	कार्बन इस्पात के तार की छड़ों के उत्पादन के लिए इस्पात के निर्दिष्ट धीर बिलेट	IS : 8951-1978	एक टन	1.00	सभी	—	2123 1980-07-24	1980-08-09
57.	चमकीली छड़ें	IS : 9550-1980	एक टन	1.00	सभी	3832 1982-10-21	—	1982-11-20
58.	बेल्सन द्रुवों एवं पाइपों के लिए तप्त बेल्सन इस्पात सभी पट्टी	IS : 10748-1984	एक टन	1.00	सभी	—	1399 1985-03-11	1985-04-06
59.	कम दबाव के द्रवण योग्य सिलेण्डरों के निर्माण के लिए तप्त बेल्सन साइको मिश्रित इस्पात प्लेट, बाबर एवं पट्टी	IS : 10787-1984	एक टन	1.00	सभी	1037 1988-02-22	—	1988-04-02

S.O. 2255.—In pursuance of Sub-rule (2) of Rule 9 of the Bureau of Indian Standards, Rules 1987, it is hereby notified that the marking fees as notified earlier in Part-II, Section-3, Sub-section (ii) of the Gazette of India, shown in Col. 7 or 8 of the Schedule given hereunder, in respect of the various products shown under Col. 2 and 3 of the same Schedule have been revised as mentioned in Col. 4, 5 and 6 thereof. The revised rates of marking fees shall come into force with effect from 1988-07-01:—

THE SCHEDULE

Sl. No.	Product	IS : No and Year	Unit	Marking Fee Rate		Reference to Govt. of India Gazette Notification		Date of Issue of Gazette of India
				Per unit Rs. P.	For unit	Superseded S.O. No. & Date	Partially Modified S.O. No. & Date	
1	2	3	4	5	6	7	8	9
1.	Structural steel (standard quality)	IS : 226-1975	One Tonne	1.00	All	—	1344 1982-03-16	1982-04-03
2.	Galvanized steel sheets (Plain and corrugated)	IS : 277-1977	One Tonne	1.00	All	—	-do-	-do-
3.	Galvanized steel wire for telegraph and telephone purposes	IS : 279-1972	One Tonne	1.00	All	—	-do-	-do-
4.	Mild steel wire for general engineering purposes.	IS : 280-1978	One Tonne	1.00	All	—	-do-	-do-
5.	Mild steel and medium tensile steel bars	IS : 432 (Part I)-1982	One Tonne	1.00	All	—	-do-	-do-
6.	Hard drawn steel wire	IS : 432 (Part II)-1982	One Tonne	1.00	All	—	-do-	-do-
7.	Cold rolled carbon steel sheets	IS : 513-1973	One Tonne	1.00	All	—	-do-	-do-
8.	Non-oriented electrical steel sheets for magnetic circuits	IS : 648-1970	One Tonne	1.00	All	—	-do-	-do-
9.	Structural Steel (high tensile)	IS : 961-1975	One Tonne	1.00	All	—	-do-	-do-
10.	Hot rolled steel strips (baling)	IS : 1029-1970	One Tonne	1.00	All	—	-do-	-do-
11.	Hot rolled carbon steel sheet and strip	IS : 1079-1973	One Tonne	1.00	All	—	-do-	-do-
12.	Hot rolled steel rivet bars (upto 40mm diameter) for structural purposes	IS : 1148-1973	One Tonne	1.00	All	—	-do-	-do-

1	2	3	4	5	6	7	8	9
13. High tensile steel rivet bars for structural purposes	IS: 1149-1973	One Tonne	1.00	All	—	—	1344 1982-03-16	1982-04-03
14. Cold-worked steel high strength deformed bars for concrete reinforcement.	IS: 1786-1985	One Tonne	1.00	All	—	—	-do-	-do-
15. Round steel wire for ropes	IS: 1835-1976	One Tonne	1.00	All	—	—	367 1969-01-06	1969-01-25
16. Carbon steel billets, blooms, slabs and bars for forging	IS : 1875-1978	One Tonne	1.00	All	—	—	1344 1982-03-16	1982-04-03
17. Structural steel (ordinary quality)	IS: 1977-1975	One Tonne	1.00	All	—	—	-do-	-do-
18. Cold reduced tin-plate and cold-reduced blackplate	IS: 1993-1982	One Tonne	1.00	All	—	—	1034 1988-02-22	1988-04-02
19. Steel plates for boilers	IS: 2002-1962	One Tonne	1.00	All	—	—	1344 1982-03-16	1982-04-03
20. Structural steel (fusion welding quality)	IS: 2062-1969	One Tonne	1.00	All	—	—	-do-	-do-
21. Mild steel wire rod for the manufacture of machine screws (by cold heading process)	IS: 2225-1977	One Tonne	1.00	All	—	—	4311 1976-10-27	1976-11-20
22. Cold rolled steel strips for springs	IS: 2507-1975	One Tonne	1.00	All	774 1975-02-24	—	—	1975-03-08
23. Carbon steel billets blooms and slabs for re-rolling into structural steel (standard quality)	IS: 2830-1975	One Tonne	1.00	All	—	—	1344 1982-03-16	1982-04-03
24. Carbon steel billets blooms and slabs for re-rolling into structural steel (ordinary quality)	IS: 2831-1975	One Tonne	1.00	All	—	—	-do-	-do-
25. Mild steel for metal arc welding electrode core wire	IS: 2879-1975	One Tonne	1.00	All	1345 1982-03-16	—	—	1982-04-03
26. Steel for the manufacture of volute and helical springs (for railway rolling stock)	IS: 3195-1975	One Tonne	1.00	All	885 1973-03-12	—	—	1973-03-24

1	2	3	4	5	6	7	8	9
27.	Steel for manufacture of volute, helical and laminated springs for automotive suspension	IS: 3431-1975	One Tonne	1.00	All	536 1975-02-03	1344 1982-03-16	1975-02-22
28.	Steel chequered plates	IS: 3502-1966	One Tonne	1.00	All	-	---	1982-04-03
29.	Steel for flanging and pressing	IS: 3747-1966	One Tonne	1.00	All	1345 1982-03-16	---	1982-04-03
30.	Tool and die steels for hot work	IS: 3748-1978	One Tonne	1.00	All	722 1978-02-21	---	1978-03-11
31.	Tool and die steels for cold work	IS: 3749-1978	One Tonne	1.00	All	---	---	---
32.	Steel for the manufacture of laminated springs (railway rolling stock) flat sections	IS: 3885- (Part I)-1977	One Tonne	1.00	All	885 1973-03-12	---	1973-03-24
33.	Steel for the manufacture of laminated springs (railway rolling stock) rib and groove sections	IS: 3885- (Part II)-1977	One Tonne	1.00	All	-do-	---	-do-
34.	Flame and induction hardening steels	IS: 3930-1979	One Tonne	1.00	All	885 1973-03-12	---	1973-03-24
35.	Steel for spring washers	IS: 4072-1975	One Tonne	1.00	All	3068 1975-08-08	---	1975-09-13
36.	Steel wire for office staples, pins and clips	IS: 4224-1972	One Tonne	1.00	All	621 1981-01-27	---	1981-02-21
37.	Carbon-chromium steel for the manufacture of balls, rollers and bearing races	IS: 4398-1972	One Tonne	1.00	All	237 1975-01-10	---	1975-01-25
38.	Carbon and carbon-manganese free-cutting steel	IS: 4431-1978	One Tonne	1.00	All	885 1973-03-12	---	1973-03-24
39.	Case hardening steels	IS: 4432-1967	One Tonne	1.00	All	-do-	---	-do-
40.	Patented and cold drawn steel wire-unalloyed	IS: 4454- (Part I)-1981	One Tonne	1.00	All	2974 1977-09-01	---	1977-09-24
41.	Steels for hardening and tempering	IS: 5517-1978	One Tonne	1.00	All	885 1973-03-12	---	1973-03-24

1	2	3	4	5	6	7	8	9
42.	Cold rolled steel strips (box strappings)	IS: 5872-1973	One Tonne	1.00	All	1345 1982-03-16	1344 1982-03-16	1982-04-03
43.	Hot-rolled steel plate and flats for cold-forming and flanging operations	IS: 5986-1970	One Tonne	1.00	All		—	1982-04-03
44.	Hot-rolled steel plate (up to 6 mm) sheets and strips for the manufacture of low pressure gas cylinders	IS: 6240-1976	One Tonne	1.00	All	1345 1982-03-16	—	1982-04-03
45.	Carbon steel cast billet ingots for rolling into structural steel (standard quality)	IS: 6914-1978	One Tonne	1.00	All	—	3253 1973-11-12	1973-11-24
46.	Carbon steel cast billet ingots for rolling into structural steel (ordinary quality)	IS: 6915-1978	One Tonne	1.00	All	—	-do-	-do-
47.	Hot-rolled bars for production of bright bars	IS: 7283-1974	One Tonne	1.00	All	—	1344 1982-03-16	1982-04-03
48.	Steel ingots and billets for the production of valve, helical and laminated springs for automotive suspension	IS: 8051-1976	One Tonne	1.00	All	4501 1976-11-05	-	1976-11-27
49.	Steel ingots and billets for the production of volute and helical springs (for railway rolling stock)	IS: 8052-1976	One Tonne	1.00	All	-do-	—	-do-
50.	Steel ingots and billets for the production of steel wire for the manufacture of wood screws	IS: 8053-1976	One Tonne	1.00	All	-do-	—	-do-
51.	Steel ingots and billets for the production of laminated springs (railway rolling stock)	IS: 8054-1976	One Tonne	1.00	All	-do-	—	-do-


1	2	3	4	5	6	7	8	9
52.	Steel ingots and billets for the production of spring washers	IS: 8055-1976	One Tonne	1.00	All	-do-	—	-do-
53.	Steel ingots and billets for the production of hard-drawn steel wire for upholstery springs.	IS: 8056-1976	One Tonne	1.00	All	4501 1976-11-05	—	1976-11-27
54.	Steel ingots and billets for the production of wire rod for the manufacture of machine screws (by cold heading process)	IS: 8057-1976	One Tonne	1.00	All	-do-	—	-do-
55.	Weldable structural steel (medium and high strength qualities)	IS: 8500-1977	One Tonne	1.00	All	1345 1982-03-16	—	1982-04-03
56.	Steel ingots and billets for production of carbon steel wire rods	IS: 8951-1978	One Tonne	1.00	All	—	2123 1980-07-24	1980-08-09
57.	Bright bars	IS: 9550-1980	One Tonne	1.00	All	3832 1982-10-21	—	1982-11-20
58.	Hot rolled skelp/strip for welded tubes and pipes	IS: 10748-1984	One Tonne	1.00	All	—	1399 1985-02-11	1985-04-06
59.	Hot rolled micro-alloyed steel plate, sheet and strip for the manufacture of low pressure liquefiable gas cylinders	IS: 10787-1984	One Tonne	1.00	All	1037 1988-02-22	—	1988-04-02

[No. CMD/13:10]

का.प्र. 2256.—भारतीय मानक व्यूरो नियम, 1987 के नियम 9 के उपनियम (1) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिस मानक मूहर का डिजाइन, उसके शाब्दिक विवरण और सम्बद्ध भारतीय मानक की संख्या वर्ष सहित नीचे अनुसूची में दी गयी है, व निर्धारित कर दिया गया है।

भारतीय मानक व्यूरो अधिनियम 1986 और उसके अधीन बने नियमों तथा विनियमों के प्रयोजन के लिए यह मानक मूहर 1988-06-01 से लागू होगी :

अनुसूची


क्र.सं.	मानक मूहर का डिजाइन	उत्पाद/उपयुक्त श्रेणी	सम्बद्ध भारतीय मानक की संख्या और वर्ष	मानक मूहर के डिजाइन का शाब्दिक विवरण
(1)	(2)	(3)	(4)	(5)
1		इलेक्ट्रॉनिक पायनरीय सांघ	IS: 11996—1987	स्तम्भ (2) में दिखाई गई निम्नलिखित शीर्ष और परस्पर सम्बद्ध अनुपात में बनाया गया "ISI" अक्षरयुक्त भारतीय मानक व्यूरो का मोनोग्राम जिसमें भारतीय मानक की संख्या डिजाइन में दिखाए अनुसार मोनोग्राम के ऊपर अंकित हो।

[संख्या सीएमडी/13:9]

एस. सुब्रह्मनियम, उप महानिदेशक

S.O.2256.—In pursuance of sub-rule (1) of the rule 9 of Bureau of Indian Standards Rules, 1987 the Bureau of Indian Standards, hereby, notifies that the Standard Mark, design of which together with the description of the design and the number and year of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. of year of the Relevant Indian Standard	Description of the design of the Standard Mark
1	2	3	4	5
1.		Deltamethrine emulsifiable concentrates	IS: 11996-1987	The monogram of the Bureau of Indian Standards, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being super-scribed on the top side of the monogram as indicated in the design.

[No. CMD/13 : 9]

S. SUBRAHMANYAN, Dy. Director General

This standard Mark for the purpose of the Bureau of Indian Standards Act, 1986 and the rules and regulations framed thereunder, shall come into force with effect from 1988-06-01:

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 14 अगस्त, 1989

का.आ. 2257.—भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (ख) के उपबंधों के अनुसरण में डाक्टर श्रीवास्तव रूशी कुमार का पुणे विश्वविद्यालय की सनैट द्वारा, 2 नवम्बर, 1992 तक की अवधि के लिए भारतीय आयुर्विज्ञान परिषद का सदस्य निर्वाचित किया गया है।

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की अधिसूचना सं.का.आ. 138 (सं. 5-13/59 एम आई), तारीख 9 जनवरी, 1960 का निम्नलिखित और संशोधन करता है, अर्थात् :-

उक्त अधिसूचना में धारा 3 की उपधारा (1) के खंड (ख) के अर्थात् निर्वाचित शेष के नीचे, क्रम संख्यांक 18 और उनसे संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्रम संख्यांक और प्रविष्टि रखी जाएगी, अर्थात् :-

“18 डा. श्रीवास्तव रूशी कुमार पुणे विश्वविद्यालय
संकायाध्यक्ष, बी. जे. मेडीकल कॉलेज,
पुणे विश्वविद्यालय और
सामुन अस्पताल, पुणे-411001

[संख्या बी. 11013/64/87-एम ई(पी)]

आर. श्री निवासन अवसर सचिव)

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of Health)

New Delhi, the 14th August, 1989

S.O. 2257.—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) Dr. Shrivastav Rhusi Kumar has been elected by the Senate of University of Poona to be a member of the Medical Council of India for the period upto the 2nd December, 1992.

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health No. S.O. 138 (No. 5-13/59-MI), dated the 9th January, 1960, namely :—

In the said notification, under the heading “Elected under clause (b) of sub-section (1) of section 3” for serial number

18 and the entry relating thereto the following serial number and entry shall be substituted, namely :—

"18. Dr. Shrivastav Rhusi Kumar, University of Poona
Dean, B. J. Medical College
and Sasson Hospital, Pune-411001.

[No. V-11013/64/87-ME (P)]
R. SRINIVASAN, Under Secy.

संचार मंत्रालय
(दूरसंचार विभाग)

नई दिल्ली, 25 अगस्त, 1989

का.आ. 2258.—दिनांक 31-12-88 को भारत के राजपत्र के भाग-II खंड 3, (2) में पृष्ठ संख्या 4879-79 पर प्रकाशित दिनांक 19-12-88 अधिसूचना सं०. सा. आ. 3781 में प्रांशिक संशोधन करते हुए, महानिदेशक दूरसंचार एतद्वारा यह घोषणा करते हैं कि भायंदर टेलीफोन प्रणाली और बम्बई टेलीफोन प्रणाली के उक्त अधिसूचना द्वारा अधिसूचित किए गए स्थानीय क्षेत्र को रद्द हुआ माना जाए और इसे निम्न प्रकार से संशोधित माना जाए :—
बम्बई टेलीफोन प्रणाली :—

बम्बई टेलीफोन प्रणाली के स्थानीय क्षेत्र में बम्बई नगर निगम के अन्तर्गत आने वाले सभी क्षेत्र जिन्हें बम्बई सरकार की दिनांक 8-4-1950 की राजपत्र अधिसूचना द्वारा अधिसूचित और दिनांक 31-12-56 की राजपत्र अधिसूचना द्वारा विस्तारित किया गया, तथा महाराष्ट्र सरकार की दिनांक 11-11-82 की राजपत्र अधिसूचना द्वारा यथा अधिसूचित थाणे नगर निगम के अन्तर्गत आने वाले सभी क्षेत्र शामिल होंगे और इसमें उत्तर में बेसिन त्रिक, दक्षिण बम्बई नगर निगम को सोमा और पूर्व में थाणे नगर निगम को सोमा के भीतर आने वाला क्षेत्र (जिसे भायंदर क्षेत्र कहा जाता है) शामिल होगा।

[फाइल सं. 38/83-पी एच बी.]
प्रदीप कुमार निदेशक (फोन्सई),

MINISTRY OF COMMUNICATIONS
(Department of Telecommunications)

New Delhi, the 25th August 1989

S.O. 2258.—In partial modification to Notification dated 19th December, 1988 published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated 31-12-88 vide S.O. No. 3781 appearing on page No. 4878-79, Director General, Telecommunications hereby declares that local area of Bhayandar Telephone System and Bombay Telephone Systems notified by the said notification shall be treated as cancelled and will be revised as under : Q

Bombay Telephone System :

The local area of Bombay Telephone System shall cover an area under the jurisdiction of Bombay Municipal Corporation and Thane Municipal Corporation as notified by Bombay Government Gazette Notification dated 8-4-1950 extended by Gazette Notification dated 31-12-56 and Government of Maharashtra Gazette Notification dated 11-11-82 respectively and will include the area (called Bhayandar Area) enclosed

between Bassein Creek in the North, Bombay Municipal Corporation Boundary in the South and Thane Municipal Corporation Boundary in the East.

[F. No. 3-8/83-PHB]
PRADEEP KUMAR, Director (Phones-E)

प्रथम मंत्रालय

नई दिल्ली, 21 अगस्त, 1989

का. आ. 2259.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, पंजाब नेशनल बैंक के प्रबन्धनत्व के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, खंडोगढ़ के पंचाट को प्रकाशित करती है।

MINISTRY OF LABOUR

New Delhi, the 21st August, 1989

S.O. 229.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of Punjab National Bank and their workmen.

ANNEXURE

BEFORE SHRI M. S. NAGRA PRESIDING OFFICER.
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH
Case No. I. D. 35/86

PARTIES :

Employers in relation to the management of Hindustan Commercial Bank New Punjab National Bank.

AND

Their workman, P. N. Khanna.

APPEARANCES :

For the workman—Shri V. K. Gupta
For the management—Shri V. C. Jaitly.

INDUSTRY : Banking

STATE : Punjab

AWARD

Dated, the 12th April, 1989

On a dispute raised by P. N. Khanna against Hindustan Commercial Bank now Punjab National Bank, Central Government had vide No. L-42012(120)/85-D.IV (A) dated 3rd April 1986 referred the following dispute to this Tribunal :

"Whether the action of Hindustan Commercial Bank Limited, Kanpur in denying the benefit of past temporary services to Shri P. N. Khanna, Clerk-cum-Cashier, at their branch Faridabad, is justified ? If not, to what relief is the workman concerned entitled ?"

2. During the pendency of the proceedings the parties have amicably settled the dispute and informed the Tribunal accordingly through joint statement dated 16-3-1989. In view of the same a No Dispute Award is returned.

[No L-12012/120/85-D.IV.AIR Bank-I]

M. S. NAGAR, Presiding Officer.

नई दिल्ली, 25 अगस्त, 1989

का. आ. 2260.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 अनुसरण में, केन्द्रीय सरकार मयूर कान्ही ग्रामीण बैंक जिला शिरभूम पश्चिमी बंगाल प्रबन्धनत्व के संबद्ध नियोजकों और उनके कर्मचारों

बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचाट को प्रकाशित करती है।

New Delhi, the 25th August, 1989

S.O. 2260.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mayurakshi Gramin Bank Dist. Birbhum, West Bengal and their workman.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 45 of 1982

PARTIES :

Employers in relation to the management of Mayurkashi Gramin Bank, Siuri, Birbhum.

AND

Their workman.

APPEARANCES :

On behalf of employers—Mr. G. S. Sengupta, Advocate.
On behalf of workman—Appears in person.

STATE : West Bengal INDUSTRY : Banking

AWARD

By Order No. L-12012(275)/82-D.II (A) dated 8th July, 1983, the Government of India, Ministry of Labour and Rehabilitation (Department of Labour) referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Mayurkashi Gramin Bank, in relation to its Barhra Branch, Siuri, Distt. Birbhum, (W.B.) in terminating the services of Shri Fazle Rehman, Junior Field Asst.-cum-Clerk with effect from 30-1-1980 is justified ? if not to what relief is the workman concerned entitled ?”

2. When the case is called out today for further hearing. Mr. G. S. Sengupta, Advocate appearing for the management draws my attention to the Joint Petition of Compromise duly signed by the parties filed on 11th January, 1989. The workman concerned is personally present and submits that he signed the said Joint Petition of Compromise. Both parties pray for an Award in terms of the Joint Petition of Compromise filed on 11-1-1989.

3. Considered the Joint Petition of Compromise as well as the submissions of both parties. The terms of the Joint Petition of Compromise appear to be fair, reasonable and in the interest of the parties. I therefore, accept the same and pass an Award in terms of the said Joint Petition of Compromise which do form part of this Award as Annexure-A.

This is my Award.

Dated, Calcutta,
The 24th January, 1989.

SUKUMAR CHAKRAVARTY, Presiding Officer
[No. L-12012/275/82-D.II (A)/IR(B)-I]

ANNEXURE A

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference case No. 45 of 1983

Applicant : Fazle Rehman.

Vs.

Employer : Mayurkashi Gramin Bank, Siuri, Birbhum.
The humble joint petition of the parties abovenamed.

Most Respectfully Showeth :

That the dispute has been amicably settled between the parties and the terms of compromise are set out in the Schedule hereunder written.

Accordingly, it is most humbly prayed that the reference case be disposed of according to the terms of compromise and an award in terms thereof may be kindly passed.

And your petitioner is duly bound shall ever pray.

SCHEDULE

Terms of Compromise

1. The applicant abovenamed will resume his duties immediately and in any event on or before January 20, 1989.

2. On resumption of his duties the applicant abovenamed will be placed at the lowest point of the present time scale of Junior Clerk-cum-Cashier i.e. Rs. 300 to Rs. 685 being the present rank corresponding to the earlier post of Junior Field Assistant-cum-clerk with other allowances and facilities as admissible under the rules of the bank for the said post of Junior-clerk-cum-cashier.

3. The concerned applicant has no claim whatsoever against the Bank for any period upto the day of resumption of his duties against the bank.

4. The parties will bear their respective costs and they have no more claim against each other arising out of the subject matter of this Reference Case.

For Mayurkashi Gramin Bank.

Fazle Rahman.

नई दिल्ली, 31 अगस्त, 1989

का. आ. 2261.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम इन्दोर के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है।

New Delhi, the 31st August, 1989

S.O. 2261.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the annexure, in the industrial dispute between the employees in relation to the management of Life Insurance Corporation of India, Indore and their workman.

ANNEXURE

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(47)/1986

PARTIES :

Employers in relation to the management of L.I.C. of India, Indore and their workman, Shri P. V. Limaye through the General Secretary, Indore Division Insurance Employees Association, Indore (M.P.).

APPEARANCES :

For Management—Shri C. S. Chajed, Advocate.

For Workman—Shri B. K. Pradhan, Advocate.

INDUSTRY : Insurance. DISTRICT : Indore (M.P.).

AWARD

Dated, 19th August, 1989

Vide Notification No. L-17012/61/85-D.IV(A) dated 21st April, 1986 the Central Government referred the following dispute to this Tribunal, for adjudication.

"Whether the action of the management of Life Insurance Corporation of India, Indore in terminating the services of Shri P. V. Limaye, a sub-staff with effect from 6th March, 1984, is justified? If not, to what relief is the workman entitled?"

2. Facts which are no longer disputed are that Shri P. V. Limaye was appointed as sub-staff from 1-3-72 in the Life Insurance Corporation of India (hereinafter referred to as LIC) and at the relevant time he was working in Burhanpur Branch. He was charge-sheeted by the Divisional Manager on 2-9-83 on the following charges:

"1. That on 20-8-1983, while working in the Branch Office, Burhanpur, you abused, manhandled and beaten Shri Prabhakar Kendurkar, Record Clerk, in the office premises and during office hours to the extent that blood was coming out from his nose.

2. That by your above act, you have acted in a manner prejudicial to good conduct and the interest of Corporation and thereby committed breach of Regulations 24 and 30(1) of the L.I.C. of India (Staff) Regulation, 1960 for which any one of para of the penalties as specified in under Regulations 39(1)(a) to (g) of the aforesaid Regulation can be imposed on you."

3. Workman denied the charges and pleaded that on 20-8-83 when he was working in the ground floor Shri Prabhakar Tendurkar slapped him. He therefore sent to complaint to Acting Branch Manager Shri Khare. He told him that since the workman was going to the Bank to deposit the cash, do that work thereafter he will listen to the complaint. So the workman went to the cash department and just as he came out from the cash department S/Shri Tendurkar R. B. Gupta and Phadnis attacked and beat him then he had no other way but to defend himself. He has been falsely implicated.

4. The management was not satisfied with his reply and Shri R. K. Pandey was appointed Enquiry Officer. Shri R. K. Pandey without the help of presenting officer examined S/Shri R. M. Gupta, P. D. Phadnis and Shri Tendurkar against whom the workman plea was that they had beaten him. Besides these, management also examined Shri K. B. Saitwal, Shri Suresh Namdeo and Shri S. N. Khare. On behalf of the workman S/Shri V. K. Dixit, W. R. Dhundhale, S. P. Wakte, D. R. Wakole, L. N. Bhavsar and M. S. Khan were examined and he produced his Bush-shirt, Baniyan and Pant in support of his plea.

5. However, learned Enquiry Officer gave his findings dated 23-12-1983 that the charges are proved. After the necessary show cause notice learned Disciplinary Authority vide order dated 6-3-84 awarded him the penalty of removal from service. His appeals to higher authorities were also dismissed. Hence this reference.

6. I framed the following issues which with my reasons and findings are as follows:—

ISSUES

1. Whether the enquiry is proper and legal?
2. Whether the punishment awarded is proper and legal?
3. Whether the management is entitled to lead evidence before this Tribunal?
4. Whether the termination/removal of the workman is justified on facts of the case?
5. Relief and costs?

FINDINGS WITH REASONS:—

7. Issue No. 1 to 5:—I have heard the parties on all the above issues and perused the record. On perusal of record, I find that a very peculiar procedure was adopted by the Enquiry Officer. First like a prosecutor he put certain questions to Management's witnesses, and then allowed the workman and his representative to put some questions. Thereafter in order to demolish the evidence given by them which may know in defence he not only cross-examined them but he did so by putting them leading questions. In this regard, please see the statements of S/Shri R. K. Pandey, P. D. Phadnis,

S. R. Namdeo and S. N. Khare. After his own cross examination he did not allow the delinquent official or his defence assistant to further cross-examine those witnesses. Even after when Shri Khare M.V. (b) was further recalled, he was given cross-examined by the Enquiry Officer but the defence side was only given an opportunity to cross-examine him only in the same sake. This conduct of the Enquiry Officer does not only amount to denial of reasonable opportunity to cross-examine the witnesses, but it is against the principles of natural justice.

8. The workman or his defence assistant were not asked to lead their evidence as they like but they were mainly examined and cross-examined by the Enquiry Officer himself. This also amounts to denial of reasonable opportunity and is against the principles of natural justice.

9. On perusal of enquiry report the bias of the Enquiry Officer against the workman is apparent. He not only believed the interested testimony of the said three assailant officials but he conveniently ignored and tried to justify his finding on some discrepancies in the defence evidence. He even brushed aside the positive statement of the then Branch Manager Shri S. N. Khare who supported the defence plea that the workman Shri Limaye had come to him and complained to him that Shri Tendurkar has beaten him, but he had asked him to finish work first then he will hear his complaint. Therefore it appears that the Enquiry Officer has acted as a prosecutor and a Judge rolled into one. To my mind the above grounds are alone sufficient to hold that the enquiry was not proper and legal.

10. Next I will take up the evidence to see whether the termination/removal is justified on facts of the case. In support of their case management had examined S/Shri R. B. Gupta of Accounts Section, P. D. Phadnis, K. B. Saitwal of Sales Department S. K. Nimre a Sub-staff, Complainant Prabhakar Kendurkar a Record Clerk and Shri S. N. Khare, Branch Manager. In the charge the nature of abuse was not mentioned but only S/Shri Phadnis and complainant Kendurkar supported the plea that the workman had called Shri Kendurkar 'Sale' but the other witness Shri K. B. Saitwal contradicted them by say that the workman had only said 'Kyon Be-Kyon Be'. In spite of this contradiction the Enquiry Officer took this as another form of abuse. No other witness supported their statements on the point of using abusive language. In fact, Shri R. B. Gupta had stated that hearing the notice he told it to the Branch Manager, Shri Khare and went to the spot with him. In his cross-examination he was unable to say whether bleeding caused to Kendurkar's nose was occasioned by the workman or not. In fact, the plea of the workman was that in fact Shri Kendurkar has first slapped him so he went to make complaint to the Branch Manager, Shri S. N. Khare, who asked him to go and do his work and he will listen to his complaint afterwards. When he returned S/Shri Phadnis, and R. B. Gupta along with Shri Kendurkar assaulted him. In view of these plea the Enquiry Officer should not have ignored the statement of Shri Khare who being the Branch Manager was not only an important officer but was also an important witness. Shri Khare supported the defence plea that the workman, Shri Limaye, had come to him and told him that Shri Kendurkar had beaten him. He therefore told him to come after doing the Bank work then he will listen to his complaint. After sometime Mr. Gupta came to his room and told him that there is a marpeet so he come to the spot. Then he saw that Shri Limaye was beating and Shri Phadnis and others were stopping him. But it appears that the Enquiry Officer wanted his explanation therefore he called Shri Khare again after the cross-examination of defence witnesses and he explained that he asked the workman for his witnesses but he told him that no one is prepared to give evidence. Now in this connection it is pertinent to note that this incident had occurred in the office and all the witnesses were employees of the office but Shri Khare instead of making an enquiry himself asked the workman to produce his witnesses and surprisingly ordered an enquiry against him on his inability to do so.

11 But during enquiry the workman produced as many as six witnesses from the same office which the Enquiry Officer disbelieved on flimsy grounds as to why Shri Gupta and the workman did not object to the enquiry. I have already

stated that Shri Gupta was also involved as per defence plea. Therefore his making objection is quite explicit.

12. Out of the defence witnesses B. K. Dixit who was holding the post of an Assistant Officer had stated that Shri Kendurkar had slapped Shri Limye. It was only thereafter that there was a marpet between them and workman went to report the matter to the Branch Manager. In his cross-examination by the Enquiry Officer he clearly stated that the workman was surrounded by three or four persons and the workman was getting the beating. Shri Wakle, Shri Bykole and Shri Bhauser had supported the defence plea that in fact it was the workman who was beaten by S/Shri Phadnis, R. B. Gupta and the complainant Kendurkar. The initial incident of complainant's slapping the workman was also supported by Shri M. S. Khan and he said that there was scuffle.

13. It appears that the Enquiry Officer went out of the way to disbelieve the material defence witnesses whose presence at the particular moment they assert cannot be doubted. In fact, the evidence adduced by both the parties clearly established that it was Shri Kendurkar who had first slapped the workman and he did make a report to the Branch Manager. On his return he was again assaulted by Shri Kendurkar and his two friends S/Shri Padnis and R. B. Gupta. Of course, it cannot be ruled out that in order to defend himself the workman may have also assaulted them. Therefore either in the scuffle or as admitted by Shri Dhunde that Shri Kendurkar had told him that there was a fight between him and the workman and in the dhakka-mukki the table fell down, as a result of which he sustained injury. From this it is not proved that the alleged injury was caused by the workman. In view of the evidence to my mind the finding of the Enquiry Officer is not only one sided, unfair but also perverse. Therefore, the Enquiry on the legal grounds referred to above and on evidence being perverse is vitiated.

14. Question arises whether management is entitled to lead evidence before this Tribunal to prove misconduct. In this connection, it is pertinent to note that on 4-8-1986 issues were framed and the case was posted for arguments on preliminary issues. It was only after this date that on 12-9-1986 the management sent an application by registered A/D post along with a letter dated 18-9-86 by way of rejoinder seeking such permission. The question arises whether at this stage the management could have given a rejoinder and made such a prayer. To my mind, stage of pleading was already over and issues were framed and at such belated stage such a prayer cannot be either considered as pleading or allowed as has been held in the case of Workmen of Firestone and Rubber Factory Vs. M/s. Firestone & Rubber Factory (AIR 1973 SC 1227). Further the Hon'ble Supreme Court in the case of Shambhunnath Goval Vs. Bank of Baroda and Others (AIR 1984 SC 289) has held:—

"if it does not choose to do so at that stage it can not be allowed to do it at any later stage of the proceedings by filing any application for the purpose which may result in delay which may lead to wrecking the morale of the workman and compel him to surrender which he may not otherwise do...."

From the management's pleading it is clear that they had not sought an opportunity to lead evidence in its pleading dated 3-6-1986 and therefore in view of the above authorities of the Hon'ble Supreme Court management is not entitled to seek an opportunity to lead evidence to prove misconduct at any other stage in case the enquiry is held to be vitiated for any reason.

15. Next question arises as to what relief the workman is entitled. Normal rule is that once the enquiry is held to be vitiated and management is not entitled to an opportunity to lead evidence before this Tribunal and on facts of the case the management's action is held to be unjustified, the workman is entitled to be reinstated. But in the instant case I find that though the workman was not an aggressor yet he acted in a manner prejudicial to the good conduct and interest of the Life Insurance Corporation. Therefore looking to the

facts and circumstances of the case the punishment of termination/removal from service is certainly excessive and unjustified, but his conduct does not entitle him to back wages. I therefore decide the issues accordingly and answer the reference as under:—

That the action of the management of Life Insurance Corporation of India, Indore in terminating (removing) the services of Shri P. V. Limye a sub-staff with effect from 6th March, 1984, is not justified. Workman is entitled to be reinstated with continuity of service from the date of his termination, but he is not entitled to back wages. No order as to costs.

V. S. YADAV, Presiding Officer

[No. L-17012/61/85-D.IV.A/IR Bānk-1]

PADMA VENKATACHALAM, Dy. Secy.

नई दिल्ली, 21 अगस्त, 1989

का. आ. 2262.—खान अधिनियम, 1952 (1952 का 35) की धारा 5 की उप धारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री धर्मन्द्र कुमार और श्री बी. के. पाणिग्रही को अगले आदेशों तक मुख्य खान निरीक्षक के अधीन खान निरीक्षक नियुक्त करती है।

[फा. सं. ए-12028/4/86/ खान/आई एस एच-I]

New Delhi, the 21st August, 1989

S.O. 2262.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints S/Shri Dharmendra Kumar and B. K. Panigrahi as Inspectors of Mines subordinate to the Chief Inspector of Mines, until further orders.

[No. A. 12028/4/86/M.I/ISH.I]

नई दिल्ली, 22 अगस्त, 1989

का. आ. 2263.—खान अधिनियम, 1952 (1952 का 35) की धारा 5 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री जे. एल. चन्द्राकर को अगले आदेशों तक मुख्य खान निरीक्षक के अधीन खान निरीक्षक नियुक्त करती है।

[फा. सं. ए-12025/1/87/खान/आई एस एच.-I]

New Delhi, the 22nd August, 1989

S.O. 2263.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Mines Act, 1952 (35 of 1952) the Central Government hereby appoints Shri J. L. Chandrakar as Inspector of Mines subordinate to the Chief Inspector of Mines, until further orders.

[No. A-12025/1/87/M.I/ISH.I]

आदेश

नई दिल्ली, 28 अगस्त 1969

का. आ. 2264.—केन्द्रीय सरकार, कोयला खान विनियम, 1957 के विनियम 105 के अनुसरण में और भारत सरकार के तत्कालीन श्रम और रोजगार मंत्रालय के

आदेश सं० का० आ० 2642, तारीख 11 दिसम्बर 1958 को अधिष्ठात करके हुए यह निदेश देती है कि नीचे की अनुसूची के स्तम्भ 1 में विनिर्दिष्ट संकर्म उक्त विनियम के प्रयोजनों के लिए लोक सफाई होंगे और यह भी निदेश देती है कि उक्त विनियम के उपनियम (1) के अधीन मुख्य खान निरीक्षक को प्रस्तुत किए जाने के लिए अपेक्षित दस्तकर्मों के संबंध में अनुज्ञा के लिए आवेदन की प्रति उक्त अनुसूची के स्तम्भ 2 में अपने-अपने संकर्म के सामने विनिर्दिष्ट व्यक्ति को भेजी जाएगी।

(1)

(2)

(क) आकाशी राज्जुमार्ग वह व्यक्ति जो आकाशी राज्जु मार्ग का स्वामी है।

(1)	(2)
(ख) उच्च विभव पारेषण लाइन	वह व्यक्ति जो पारेषण लाइन का स्वामी है।
(ग) 60 मे. मी. व्यास में वह व्यक्ति जो जल या गैस ऊपर के जल और गैस में मैन का स्वामी है।	
(घ) पेट्रोलियम और पेट्रो-वह व्यक्ति जो पाइप लाइन नियम उत्पादों के ले जाने वाली पाइपलाइनों का स्वामी है।	
(च) (व्युत्पत्ती)	

[फा. सं. एस. 29025/1/88-एम 1/आईएसएच-II]
आर. टी. पाण्डेय, उप सचिव

ORDER

New Delhi, 28th August, 1989

S. O. 2264—In pursuance of regulation 105 of the Coal Mines Regulations, 1957 and in supersession of the order of the Government of India in the erstwhile Ministry of Labour and Employment, No.S.O. 2642, dated the 11th December, 1958, the Central Government hereby directs that the works specified in Column 1 of the Schedule below shall be public works for the purposes of the said regulation and further directs that a copy of the application for permission in relation to these works required to be submitted to the Chief Inspector of Mines under sub-regulation (1) of the said regulation shall also be sent to the person specified against the respective works in Column 2 of the said Schedule.

SCHEDULE

1	2
(a) Aerial Ropeways	The person owning the Aerial Ropeway.
(b) High-tension transmission lines	The person owning the transmission line.
(c) Water and gas mains above 60 cm diameter	The person owning the water of gas main.
(d) Pipelines carrying petroleum and petroleum products (derivatives)	The person owning the pipeline.

[F.No. S-29025/1/88-M.L./ISH-II]

R. T. PANDEY, Dy. Secy.

नई दिल्ली, 22 अगस्त, 1989

फा. आ. 2265.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार व ई. सी. लि. खान्दरा कोलियरी एन. के. जे. यूनिट के प्रबन्धन से संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-8-89 को प्राप्त हुआ था।

New Delhi, the 22nd August, 1989

S.O. 2265.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation

to the management of N. K. J. Unit of Khandra Colliery of M/s. E. C. Ltd. and their workmen, which was received by the Central Government on 17th August, 1989.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 16 of 1984

PARTIES.

Employers in relation to the management of N. K. J. Unit of Khandra Colliery of Eastern Coalfields Ltd. Post Office Ukhrā, District Burdwan

AND

Their workmen.

APPEARANCES:

On behalf of employer—None.

On behalf of workmen—None.

STATE : West Bengal.

INDUSTRY : Coal.

AWARD

By order No. L-19012(51)/83-D. IV(B) dated 15th May, 1984, the Government of India, Ministry of Labour and Rehabilitation (Department of Labour) referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of N. K. J. Unit of Khandra Colliery of E.C. Ltd., P.O. Ukhra, District Burdwan (WB) in not giving the revised pay scales of shale picking in Category I to Smt. Subhadra Bouri w.e.f. 1st January, 1979 is justified? If not, to what relief she is entitled and from which date?"

2. When the case is called out today, nobody appears from either side. However, it appears from the record that a Joint Petition of Compromise duly signed by the parties was filed on 15th June, 1989. Considered the said Joint Petition of Compromise. The terms of the Joint Petition of Compromise appear to be fair, reasonable and in the interest of the parties. I therefore, accept the same and pass an Award in terms of the said Joint Petition of Compromise which do form part of this Award as Annexure 'A'.

This is my Award.
Dated, Calcutta,
The 25th July, 1989.

SUKUMAR CHAKRAVARTY, Presiding Officer

[No. L-19012(51)/83-D.IV.B/IR(C-II)]

ANNEXURE 'A'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CALCUTTA

Reference No. 16 of 84

Employer in relation to the management of Khandra colliery of M/s. Eastern Coalfields Limited, Bankola Area.

AND

Their workman (Smt. Subhadra Bouri).

Joint petition of compromise

The humble joint petitioner herein concerned most respectfully sheweth:—

- (1) That the above matter is pending for hearing in the tribunal.
- (2) That the parties mutually discussed the instant matter and have come to an amicable settlement of the dispute on the following terms:—

Terms of settlement

- (i) That Smt. Subhadra Bouri, originally designated as Wagon Loader was deployed to work at Time rated category-I Mazdoor from piece rate on her request on and from 1st January, 1979. She has been continuously getting the initial basic of Cat. I without annual increment. It was agreed by the parties that she will continue to work as Cat. I Mazdoor and will accept the notional fitment of the basic adding annual increment from 1st January, 1979 to till date with the fitment of basic on 1st January, 1983 as per NCWA-III without payment of any arrear wages of the revised basic on the notional fitment of the basic.
- (ii) That on processing her notional fitment of annual basic from 1st January, 1979 as per NCWA-II and subsequently as per NCWA-III, the parties derived the basic of Rs. 25.89 per day in Cat. I effective from 1st January, 1989 for the purpose of annual increment.
- (iii) That the workman will not do and for payment of any arrear wages out of the above notional fitment.
- (iv) The basic of Rs. 25.89 will be paid with effect from 1st March, 1989.

(v) That by this settlement the instant matter arising out of revision of pay in Cat. I and any matter incidental to or arising out of instant matter are fully and finally settled.

(vi) That both the parties pray that honourable tribunal may be pleased to accept the settlement as fair and proper and may be further pleased to pass an award in terms of the settlement.

And for this act of kindness, both the parties as in duty bound shall ever pray.

Dated, 15th day of June, 1989.

Sd/-

By the workman.

WITNESS:

1. Sd/-
2. Sd/-

Sd/-

For and on behalf of employer

का. घा. 2266.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व नार्थन कोलफील्ड लि., की बीमा प्रोजेक्ट (मिर्जापुर) के प्रबन्धन में संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-8-89 को प्राप्त हुआ था।

S.O. 2266.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Northern Coalfields Ltd., Bina Project (Mirzapur) and their workmen, which was received by the Central Government on 21-8-89.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT, PANDU NAGAR, KANPUR
Industrial Dispute No. 1 of 1988

In the matter of dispute between :

Sh. Kanhaiya Prasad
S/o. Sh. Awadh Nath Pandey
Village—Lodhi
P. O. Robetsganj
District Mirzapur

AND

The General Manager
Bina Project
Northern Coalfields Ltd..
P. O. Bina Project
Distt. Mirzapur

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. 24012/72/87-D.IV(B) dated 16/3-12-87, has referred the following dispute for adjudication to this Tribunal for adjudication :

Whether the action of the management of Northern Coalfields Ltd. in relation to their Bina Project, Mirzapur in terminating the services of Sh. Kanhaiya Prasad, Craftsman (Trainee) Cat. II w.e.f. 5-6-86 is fair, just and legal? If not, to what relief the workman concerned is entitled?

2. The admitted facts are that by means of order dated 8-12-83, Deputy Chief Manager (P), Singrauli, Sh. Kanhaiya Prasad (hereinafter referred to as Sh. Prasad) was offered appointment as Craftsman Trainee Cat. I. The terms and conditions were that his appointment was being made under

the trainees scheme for absorption of Ex. I.T.I. trained candidates; that the training period would consist of 2 years; that retention after the training period would depend on his satisfactory report about his performance as a trainee; that possession of National Apprenticeship Certificate would be considered essential for such retention and that the training was liable to be terminated at any time without assigning any reason and that he would have no claim whatsoever on this count.

3. On his successful completion of his first year of training as per terms of appointment he was placed in daily rated category-II as Craftsman w.e.f. 30-12-84 by means of order dt. 22-7-85 of Manager (P), Beena Project. In the year 1986, he was on leave from 19-5-86 to 24-5-86, and on sick leave from 26-5-86 to 4-6-86. He joined duty on 5-6-86. Whereas according to Sh. Prasad, he did duty on 5th, 6th and 7th June 1986. According to the management he did not give duty on these days what he actually did was that after marking his presence in the attendance register he did not go to the worksite for doing duty. Thereafter, in June, 1986 he was served with chargesheet dt. 12-6-86. The charges were that he had falsely alleged in his complaint that Sh. Kedar Singh Chageman, caused wilful damage to the hoist rope of "Gaurav" Dragline costing about Rupees Three Lakhs by wrongly pushing the Brake Hoist Switch/Hoist Magnetic Valve in the absence of electric power, that while complaining of wilful and careless operation by Sh. Kedar Singh, Chageman, you indulged in abusing your superior at the place of his work by challenging his technical competence; that he had falsely alleged in his letters dated 26-3-86 and 21-4-86 that he had been threatened with transfer or dismissal by the Enquiry Officer if he did not withdraw his complaint; that in breach of Standing Order No. 18 of the Model Standing Orders for Industrial Establishments in Coal Mines, he had submitted his complaints as late as on 26-4-86 when according to him the cause of complaint had arisen on 4/5-3-86, without first presenting a written statement of his grievance or complaint having discussed the same with his superiors; that he had unauthorisedly submitted copies of complaints/grievance direct to the Chairman C.I.L. Calcutta and many other authorities inside and outside the company containing unsubstantiated baseless wiled and serious allegations regarding the working of Bina Project; that by sending complaints dated 21-3-86 and 21-4-86 he arrogated to himself the duties and responsibilities of the competent person and officials of the Mines in contravention of certain regulations and that submission of such complaints by him to several authorities other than Mines officials amounted to interference with the discharge of their legal duties etc. However, without the charges being investigated by means of order dt. 25-6-86, the General Manager, Bina project terminated his training w.e.f. 5-6-86 and discharged him allegedly in terms of offer of appointment as Craftsman Trainee dated 8-12-83. During the pendency of this case the said order of termination and discharge was modified by means of order dt. 15-2-88 stating that the order would be read as terminating his training on 25-6-86.

4. The case of Shri Prasad, as set up by him in his claim statement is that in 1965 during the training period he was elected Secretary of Coalfield Labour Union, Bina Project Branch. As officer bearer of the said Union, he made several complaints to the higher officers regarding several irregularities being committed in the said department. Because of these complaints he was threatened with dire consequences regarding which he made complaints to the higher officers. He was even beaten. Against the order dt. 25-6-86, he made representations but to no effect. His order of termination and discharge was illegal as no departmental inquiry was held. He has, therefore, prayed that the said order dt. 25-6-86 be held as illegal and he be reinstated with full back wages.

5. In defence the management plead that Sh. Prasad, strictly speaking cannot be considered as workman within the meaning of section 2(s) I.D. Act. He was not even an apprentice in the sense that he was not entertained as such under the Apprentice Act, 1961. Further Sh. Prasad had not obtained the National Apprenticeship Certificate under the said Act for obtaining which he was to pass the

Examination conducted by the National Council for Vocational Training as laid down in the said Act and Rules framed thereunder. This being so, the present reference is bad in law. In the alternative, the case of Sh. Prasad falls within the scope of clause (bb) of Sec. 2(oo) I.D. Act. The management then plead that the Joint Bipartite Committee for Coal Industry vide Implementation Instruction No. 30 dated 26-6-84, has provided that the training for such Craftsman Trainees in the Trade of Fitter who are matriculates and who have passed the Test conducted by the Industrial Training Institutes would be three years, one year in the Cat. I, followed by another two years in Cat. II. Therefore, the period of training of Shri Prasad w.e.f. 30-12-83, the date of joining of trainee became 3 years apart from other terms and conditions of the training remaining the same. Having not completed the specified period of training of three years the management were within their right to terminate his training prior to the expiry of period of 3 years. Not only that Sh. Prasad was never absorbed permanently by the management, permanent absorption required a positive order of the management which was never issued in his case. The management further plead that Sh. Prasad filed a false criminal case making baseless allegations against Shri C. Singh, Sr. Ex. Engineer (Excavation), Bina Project criminal case was dismissed by the Court due to the failure of the workman concerned to establish the allegations made against Sh. C. Singh. The order of termination of training and discharge as modified by subsequent order dated 15-2-87, is valid. After pleading the above facts the management have prayed that the Tribunal should first decide the preliminary issue regarding the validity of the action taken by the management in terminating the training of Sh. Prasad and in case of the preliminary issue of being decided against the management, it be given an opportunity to lead evidence to establish the charges/misconduct of Sh. Prasad.

6. Against the written statement, Sh. Prasad has filed rejoinder. It is alleged by him that the management never called upon him or any other Trainee to obtain National Apprenticeship Certificate. He has denied that by any implementation instruction No. 30 dated 26-6-83, of the Joint Bipartite Committee for Coal Industry, the training period was enhanced from 2 years to 3 years. As regards criminal complaint he alleges that it is wrong to say that it was false.

7. In support of his case, Sh. Prasad, has filed his own affidavit and a number of documents. On the other hand in support of their case, the management has filed the affidavit of Shri K. N. Singh, Chageman, Sh. T. P. Singh, Manager (P) and Shri C. Singh, Senior Executive Engineer (Excavation), and a number of documents.

8. The first question which falls for determination in this case is whether or not Sh. Prasad was the workman within the meaning of section 2(s) I.D. Act. The question rests on the facts whether Sh. Prasad was removed/discharged while he was still a trainee or after he was given job on his successful completion of training.

9. Annexure A and Annexure B are copies of order dt. 8-12-83 and 22-7-85, the former relating to offer of appointment made to Shri Prasad for Craftsman Training Cat. I and latter referring to his having being placed as a Craftsman Training in daily rated Category II. These two documents have already been referred to by me while referring to the admitted facts of the case. It is clear from these two documents that the training period was of 2 years only. There is nothing on record to show during the period of training of two years training period was ever extended by the management by one more year. From the side of the management, their authorised representative Sh. R. L. Gupta, placed reliance on Ext. M-6, which is the copy of Cadre Scheme No. VII. He has referred to serial No. 2 at page 106. From this he has tried to show and convince the Tribunal that the training period was enhanced to 3 years. There seems to be no truth in it. It simply refers to the qualifications which are required for Electrician and Fitter Electrician Categories-IV. For the said posts in Cat. IV, the eligibility for promotion has been prescribed as 3 years experience as helper in Cat. II for literate and 2 years for Matriculates with I.T.I.

10. From the side of Sh. Prasad, it has been argued by Sh. Bhupender Singh, his authorised representative, on the Ext. W-4 which is the copy of letter dated 30-1-1984 from the Vocational Training Officer Bina Project to Suptd. Engineer Dragline (Excavation), Bina, Project, and find that there is no force in the submissions made by Shri Singh. This letter simply refers to Shri Prasad having gone through vocational training of 26 days. Training does not merely mean vocational training it commits of practical training as well. I have not been shown any document in record or any evidence on record by Shri Singh which may show that practical training was also of a shorter duration. Had actual training been less than 2 years the management would not have issued order dated 22-7-1985 copy of which is annexure-B to the written statement. Thus I conclude that the training period was of 2 years and it was never extended by any order by the management. There is no doubt about the fact that in the offer of appointment it is stated that retention upon successful completion of training would also require possession of National Apprenticeship Certificate and there is no dispute about that fact that no such certificate has been obtained by Shri Prasad. There is also nothing on record to show that after successful completion of training any letter of appointment was issued in the name of Shri Prasad, Ali Said was done, he would still be considered to have been given appointment as regular workman as even though his training ended on 30-12-1985, his services were terminated w.e.f. 5-6-1986. The question is what made the management to retain him to continue even after his having completed the training. If there was no express order of appointment, there was an implied order of appointment for otherwise he would not have continued after 30-12-1985. Hence, on 5-6-1986 he cannot be held as an Apprentice or as a trainee. He was a full fledged workman as defined under the Industrial disputes Act, 1947. Therefore, the point is decided in favour of the workman.

11. The next question which arises for determination is whether or not, the order terminating the services of Shri Prasad was just and legal. In view of the charge-sheet served on Shri Prasad and in view of the fact that no inquiry was held into the said charges, the simple answer would be that the order of termination was unfair and illegal.

12. On an overall assessment of the evidence on record it appears to me that Shri Prasad had become the victim on account of his trade union activities and also on account of his excessive enthusiasm to see that the Government Property which is public property is not destroyed by any Government Servant intentionally.

13. Although the management have expressed their ignorance about Shri Prasad having been appointed as Secretary of the Coal Field Labour Union Bina Project, the documentary evidence on record show that he was so elected and that the management had recognised him as such.

14. Ext. W-1, is the copy of proceedings dated 7-4-1986, before the Assistant Labour Commissioner (C), Allahabad. It appears from the proceedings that before the ALC(C) Allahabad, Shri Sondhl. Manager (P) appeared on behalf of the management and Shri Prasad, in his capacity as Secretary, Coal Field Labour Union, Bina Project, appeared on behalf of the said Union.

15. Ext. W-5, is the copy of letter dated 16-4-1986, from the Senior Executive Engineer (Excavation), to Shri Prasad. The letter was written with reference to the complaint dated 26-3-1986 which Shri Prasad has made against Shri Kedar Nath Singh, Chargeman. The complaint referred to the alleged accident resulting in damage to the Hoist Rope of Gaurav Dragline at the hand's of Shri Kedar Nath Singh, Chargeman. The letter further referred to the complaint of Shri Prasad regarding the threat held out to him that he would be transferred or removed from service.

16. Ext. W-9, is the copy of reply dated 17-4-1986, from Shri Prasad, to the said engineer in respect of his letter dated 16-4-1986. In his reply Shri Prasad again referred to the above damage having been caused due to wilful negligence of Shri Kedar Nath Singh, Chargeman and threats held out to him. He requested that full investigation be made into the complaint and the person found at fault be suitably dealt with.

17. Ext. W-10, is the another copy of letter dated 18-4-86 from Shri K. Prasad to Sr. Ex. Engineer Excavation. By means of his letter he prayed that on account of threat held out to him by Shri K. N. Singh Chargeman he would be posted not with Shri K. N. Singh, but with some other foreman.

18. Ext. W-11, is still another letter dated 21-4-1986, from Shri Prasad to the General Manager. In it he referred to almost the same facts about which he had made reference in Ext. W-10.

19. Ext. W-2, is the copy of management's letter dated 3/4-5-1986 from the General Manager, Bina Project to Shri Prasad. In the memo it was stated that investigation/inquiries made into his complaints dated 26-3-1986 against Shri K. N. Singh, Chargeman revealed that the allegations made by him against Shri Singh were not based on material facts and evidence. He was, therefore, called upon to show cause within 3 days of the receipt of the said memo and produce satisfactory evidence to establish the allegations made by him against Shri Singh.

20. Ext. W-13, is the copy of reply, given by Shri Prasad, of the said memo. After repeating the allegations he said that—

Nikala hua hoist rope erection yerd ke pas aaj bhi para hua hai, jo hamare uprokt kathan ka praman hai. Mai nahi kh sakta jaanch adhikari dwara kis prakar uprokt jaanch ki gai hai jisme shriman ko mare shikayat ko galat arop ki saja deni pari.

Thus from the reply it appears that while making investigation into, his complaint he was not given opportunity to substantiate his allegations.

20. Further it appears from the testimony of the management witness Shri C. Singh Sr. Ex. Engineer (Establishment) that he ordered marking of presence on 5, 6, and 7th June, 1986, on the report of Shri K. N. Singh, Chargeman, against whom Shri Prasad had made allegations that on account of his negligence the department had to suffer a loss of 3 lakhs.

Thus it appears to me that attempts were being made to avoid unpleasant situations by some of the Sr. Officers with a view to suppress true facts and how or the other to get Shri Prasad, who was proving an irrefragant removed from the service and in their anxiety to do so, they were successful in getting his services terminated without inquiry into the alleged charges.

21. Hence, it is held that the action of the management of Northern Coal Fields Limited in relation to the Bina Project Mirzapur, in terminating the service of Shri Kanhaiya Prasad w.e.f. 5-6-1986, is unfair, unjust and illegal. Consequently, Shri Kanhaiya Prasad is entitled to reinstatement with full back wages. I may state here that the order dated 15-2-1986 subsequently passed shifting the date of termination cannot be said to be an innocuous order. By means of this order the management has tried to overcome the illegality in their earlier order i.e. that the services of the workman Shri Kanhaiya Prasad, could not have been terminated from the date earlier to the other 22 Reference is answered accordingly.

ARJAN DEV, Presiding Officer

[No. L-24012/(72)/87-D. IV. B/IR (C. II)]

R. K. GUPTA, Desk Officer.

नई दिल्ली, 22 अगस्त, 1989

का. आ. 2267—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में केन्द्रीय सरकार म. ए. बो. सो. एण्ड सन्स प्रा. लि., बम्बई के प्रबन्धतन्त्र से सम्बन्धित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में विनिवृष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को, 21-8-89 को प्राप्त हुआ था।

New Delhi, the 22nd August, 1989

S.O. 2267.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. A.B.C. & Sons Pvt. Ltd., Bombay and their workmen, which was received by the Central Government on 21-8-89.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, AT BOMBAY

Reference No. CGIT-18 of 1988

PARTIES :

Employers in relation to the management of M/s. A.B.C. & Sons Pvt. Ltd., Bombay.

AND

Their workmen

APPEARANCES :

For the Management—Mrs. Menezes, Advocate.

For the Workmen—Mr. M. B. Anchan, Advocate.

INDUSTRY : Ports & Docks STATE : Maharashtra.

Bombay, dated the 25th day of January, 1989

AWARD

The 40 workmen mentioned in appendix 'A' to the schedule of the reference order in this case were permanent workmen of M/s. A.B.C. & Sons Pvt. Ltd., Bombay. Some of the workers who were working as barge Khalasis of the Company went on strike from 13-7-1984. The management of the Company therefore stopped giving work to about 500 workers working as barge Khalasis and when the strike was in progress the Company recruited some outsiders to attend to the activities of the Company like loading of cargo and supply of water which came to standstill during the strike. The National Dock Workers' Union, Bombay took up the case of those workmen who claimed to have not joined the strike and requested the Assistant Labour Commissioner (Central) Bombay, to intervene in the dispute. Meanwhile, the Company issued charge-sheets against 41 permanent workmen including the 40 workmen mentioned in appendix 'A' to the schedule of the reference order and about 78 temporary workmen and held ex parte enquiries against them. These workmen on the other hand filed application under section 33 C(2) of the Industrial Disputes Act, 1947, in the Central Government Industrial Labour Court No. 2, Bombay, for claiming wages for that period during which they were stopped from work. During the pendency of these applications which were numbered as I.C-2/456 to 496 of 1984 some understanding was arrived at between the workmen and the Company and the following order came to be passed in the said applications :

"1. These are the applications under section 33C(2) of the Industrial Disputes Act, whereby certain monetary benefits are claimed by the applicants. However, on discussion the parties have come to the following terms on the strength of which the order is directed. The whole controversy now arises because of certain misconduct and the charge sheets arising

therefrom and the enquiries which the management says have been completed ex parte the workers having avoided to attend the same. The terms enumerated therefore have taken into account all the said history.

2. The management shall immediately allow the workmen to resume duty on their giving undertaking that they shall perform duties diligently and sincerely and shall not indulge in any illegal activities.
3. The employees shall attend the enquiry and abide by the final decision in the matter and for the said purpose the ex parte-orders and the findings noted by the enquiry officer shall not be given effect to.
4. The written undertaking given by the employees, however, shall be without prejudice to their rights and defence during the enquiry and shall never be construed in any manner as admission of their guilt.
5. On resumption of duties the management may allow these workmen to perform their work or during the pendency of the enquiry all these or any of them may be kept under suspension. However, on suspension the employees concerned shall be paid subsistence allowance during the period of suspension, not less than 50 per cent of the total wages drawn by the respective workmen."

2. On the basis of the said order, dated 31-12-1984, the Company suspended with effect from 1-1-1985, the 40 workmen concerned in this reference, pending enquiry in the charges levied against them. The Company restricted the suspension allowance payable to them on suspension as per the above mentioned term No. 3 to 50 per cent of the total wages payable for 8 hours shift. The workmen claimed 50 per cent of the total wages of 12 hours shift. They also claimed that they should be paid subsistence allowance at the rate of 50 per cent for the first 90 days of suspension and thereafter at the rate of 75 per cent of the total wages in terms of clause 18(4) of the certified standing Orders applicable to the Company. According to the workmen, the term 'Wages' includes over-time allowance also. This claim raised difficulty in the implementation of the order dated 31-12-1984, passed by the Central Government Industrial Tribunal-cum-Labour Court No. 2, Bombay, in the above mentioned applications under section 33C(2) of the Industrial Disputes Act, 1947 and hence in exercise of the powers conferred by section 36-A of the Industrial Disputes Act, 1947, the Central Government has made the following reference to this Tribunal for adjudication:—

"Whether the term 'total wage' mentioned at para 5 of the Order dated 31-12-1984 (Ref. No. Appln/LC-2/344 to 506/84)30/85 dated 5-1-85) can be interpreted to mean and include that the management of M/s. A.B.C. & Sons Pvt. Ltd., Bombay, was required to take into account the overtime allowance also for the purpose of calculation of subsistence allowance payable to the 40 workmen as per appendix 'A' attached for the period 1-1-1985 to 30-11-1985. And whether the workmen are entitled for payment of subsistence allowance at the rate of 50 per cent for the first 90 days and at the rate of 75 per cent of total wages thereafter in accordance with the certified standing orders applicable to the workmen?"

3. The Company has disputed the interpretation of the phrase 'total wage' made by the workmen. According to the Company, the overtime allowance payable to the workmen as per the terms of settlement dated 4-12-1981, cannot be included in the 'total wage' contemplated by clause No. 5 of the order passed in section 33C(2) applications.

4. Section 2(rr) of the Industrial Disputes Act, 1947, defines the term 'Wages' as follows :—

"Wages means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a workman in respect of

his employment, or of work done in such employment, and includes;

- (i) such allowance (including dearness allowance) as the workman is for the time being entitled to;
- (ii) the value of any house accommodation, or of supply of light water, medical attendance or other amenity of any service or of any concessional supply of foodgrains or other articles;
- (iii) any travelling concession;
- (iv) any commission payable on the promotion of sales or business or both;

but does not include :—

- (a) any bonus;
- (b) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the workman under any law for the time being in force;
- (c) any gratuity payable on the termination of his service;

This definition specifically includes all allowances which the workmen for the time being is entitled to. It, therefore, includes overtime allowance also. Moreover, the overtime allowance payable to the workmen concerned in the present dispute is remuneration capable of being expressed in terms of money which would be payable if the terms of employment expressed or implied, were fulfilled.

5. It is an admitted position that the shift working of the workmen, who are barge Khalasis and payment of wages and overtime allowance to them are governed by the terms of the settlement dated 4-12-1981, arrived at between the Union and the company. Clause (1) and (2) of the said Memorandum of Settlement which are relied upon by the workmen in support of their claim, read as follows:—

“(1) It is agreed that the management will introduce 12 hours shift i.e. (8 hours plus 4 hours O.T.) in barges/Padav, launches, tugs and other self propelled crafts w.e.f. 1-1-1982.

(2) In case the barges/crafts are operating in mid-stream the same staff/crew will continue work and will be paid two extra wages for remaining 12 hours (i.e. 8 hours plus 4 hours overtime) in all four wages for 24 hours work.”

It is thus clear that the normal shift of the workmen extends to 12 hours and they bound to work for that period. No doubt, the hours are divided into two parts 8 hours and 4 hours overtime. But that is obviously for the purpose of determining the wages payable to them for the full shift of 12 hours and they are to be paid normal wages for the first 8 hours and double the normal wages for the remaining 4 hours. The total of these two amounts represents the total wage payable for the 12 hours shift which as per the settlement is the normal shift of the concerned workmen. Strictly speaking, therefore the wages payable to the barge Khalasis as per the settlement for working beyond 8 hours are not really the overtime wages but they are the normal wages payable to the workmen for working for 12 hours, the normal duration of the shift. The wages payable for the second part of 4 hours will be at double the rate at which the wages are payable for the first part of 8 hours. It is, therefore, futile to contend that the overtime payable to the workman in the present case is not included in the term ‘total wages’ mentioned in clause (5) of the above referred order in the section 33C(2) applications. The amount payable to the workmen under the aforesaid clause (5) would be equivalent to the normal wages for 8 hours working (50 per cent of wages for 8 hours plus wages at double the rate for the remaining 4 hours). Clause (2) of the Settlement, however, has no relevance because that clause governs the position when the workmen are required to work on barges/crafts which are operating in mid-stream. The second clause prescribes the wages payable in the contingency in which the workmen are required to work on crafts/barges which are operating in mid-stream. The said

clause is not relevant for the purpose of calculating the total wage payable to the workmen who are under suspension.

6. The workmen concerned in the present reference are also entitled to invoke the relevant provisions of the certified Standing Orders applicable to the Company Sub-Clauses (a) & (b) of Clause (4) of Standing Order No. 18 which relates to subsistence allowance, read as follows :—

“Where the workman has been suspended by an order under (3) above he shall be paid a subsistence allowance at the following rates :—

(a) For the first thirty days from the date of such suspension at the rate of one-half of his wages/salary including dearness allowance.

(b) Where the enquiry is protracted for more than thirty days without the fault of the workman the allowance shall be payable at three fourths of his wages/salary including dearness allowance.”

7. It was contended on behalf of the Company that in view of the order passed by the Labour Court, the workmen would not be entitled to invoke sub-clause (b) and claim subsistence allowance at 3/4 of their wages if the enquiry is pro-longed beyond 30 days. It is difficult to accept this contention because clause (5) of the order passed by the Labour Court does not restrict the subsistence allowance to 50 per cent of the total wages. What the order states is that the subsistence allowance shall not be less than 50 per cent of the total wage. The allowance therefore could be more than 50 per cent if permitted by the Standing Orders governing the parties. The workmen, therefore, are entitled to get 3/4 of their total wages in case the enquiry against them extends beyond 30 days without any fault on their part.

8. It is, therefore, held that the term ‘total wage mentioned in clause (5) of the order in applications nos. LC-2/456 to 496 of 1984 includes the overtime allowance payable to the workmen concerned in this dispute. The workmen are also entitled for payment of subsistence allowance at the rate of 75 per cent of the total wages in case the enquiry against them extends beyond the period of 30 days without any fault on their part. Award accordingly.

M. S. JAMDAR, Presiding Officer
[No. L-31011/1/87-D.IV(A)/DIII(B)]

का. आ. 2268—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण केन्द्रीय सरकार कलकत्ता पोर्ट ट्रस्ट, कलकत्ता के प्रबन्धतल से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-8-89 को प्राप्त हुआ था।

S.O. 2268.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust, Calcutta and their workmen, which was received by the Central Government on 21-8-1989

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 58 of 1986

PARTIES :

Employers in relation to the management of Calcutta Port Trust.

AND

Their Workmen.

APPEARANCES :

On behalf of employer—Mr. D. K. Mukherjee, Labour Adviser and Industrial Relation Officer with Mr. P. Roy, Industrial Relation Officer.

On behalf of workmen—Mr. M. M. Saha, Vice-President of the Union

STATE : West Bengal

INDUSTRY : Port

AWARD

By Order No. L-32011/3/85-D.IV (A) dated 29 July, 1986, the Government of India, Ministry of Labour, referred the following dispute to this Tribunal for adjudication :

- (1) Whether the management of the Calcutta Port Trust are justified in not treating the 13 workmen viz., S/Shri (1) Dhruva Sahu (mali), (2) Nakul Nayak, (3) Gakul Nayak (Sweepers) (4) Md. Leakat Ali (Darman) (5) Murali Nayak, (6) Mohan Roy (Durwans), (7) Md. Nasiruddin, (8) Md. Basiruddin (Bearers), (9) Prasanta Bhattacharjee (Clerk), (10) Md. Raffikuddin, (11) Suraj Rai (Bearers), (12) Swapan Gomes (Cook) and (13) Shankar Gomes (Cook Mate), of the Calcutta Port Trust Guest House as workmen of the Calcutta Port Trust, and if not, to what relief are these workmen entitled, and
- (2) Whether the action of the management of the Calcutta Port Trust in removing the 13 workmen as mentioned at (1) above from their services in the Calcutta Port Trust Guest House w.e.f. 27-1-84 is justified, and if not to what relief are these workmen entitled ?”

2. The case as made out by the Union sponsoring the case of the workmen in their written statement and rejoinder is briefly as follows : The Calcutta Port Trust (C.P.T. for brief) for the purpose of convenience and accommodation of their officers and by way of providing better facilities to the officers concerned constructed a Guest House at 93 Chowringhee Road, Calcutta and provided different categories of staff namely, Mali, Sweepers, Bearer Durwan, Clerk, Cook and Cook Helper to the said Guest House. The booking of the rooms for the guest used to be done by the Secretariate Department of the C.P.T. The officers were allowed accommodation and provided with drink and food at the subsidised rates by the C.P.T. and a Recreation Club for the officers was also provided in the said Guest House. The building of the Guest House was put under a caretaker who was a permanent employee of the C.P.T. The employees working for the Guest House rendered service to C.P.T. and to their officers. The C.P.T. with a view to avoiding payment to the employees of the Guest House at par with the other employees of the C.P.T. put the names of the employees of the Guest House in the register maintained by the Officers' Club in the said Guest House. The said Officers' Club was nothing but the intermediary and all the expenses used to be borne by the C.P.T. 13 concerned workmen were continuously working in the Guest House belonging to the C.P.T. without any break for number of years but they were paid very poor salary. The concerned workmen working in the Guest House were the employees of the C.P.T.

3. The concerned workmen joined the Union for collective bargaining and to ameliorate their service condition. In 1980 the Union submitted a charter of demands in respect of the concerned workmen to the C.P.T. and pursued the same but to no effect. Thereafter the dispute was raised before the Conciliation Officer. The Chairman of the C.P.T. after knowing that the dispute had been raised before the Conciliation Officer terminated the service of all the concerned workmen on 27-1-1984 and drove them away from the accommodation provided in the Guest House. The failure report of the Conciliation Officer resulted in the present reference.

4. The case as made out by the C.P.T. in their written statement is briefly as follows : It has been contended in a letter by C.P.T. that the reference is not maintainable. It has been further contended that the Union sponsoring the cause of the workmen concerned has got no locus standi to espouse their cause. The building and premises at 93 Chowringhee Road, Calcutta was given on-lease to the

Calcutta Port Officers' Club as also to the Board of Trustees of the C.P.T. for setting up a Guest House with effect from 1-4-1969. The rent and taxes to be paid under the lease agreement are apportioned between the Guest House and Officers' Club (Club in brief) on pre-rata basis. Some-time in 1971 the Guest House was set up at the first floor and second floor of the building. The Guest House is normally used for providing accommodation to the Ministers of the Central Government, Chairman and Officers of other major ports as also other officers of the Central Government on their visit to Calcutta on official tour. Allotment of the accommodation in the Guest House is made by Secretariate Department of the C.P.T. against request from the willing boarders. A Caretaker an employee of the C.P.T. looks after the said Guest House. Besides the Caretaker no other staff has been employed by the C.P.T. at the said Guest House. The concerned workmen were never employed in any service in the Guest House by the C.P.T. There was no relationship of master and servant between the alleged concerned workmen and the C.P.T.

5. A Club in the name and style of Calcutta Port Officers' Club (Club for brief) was set up. The ground floor and the adjacent lawn of 93 Chowringhee Road are in possession of the Club. The membership of the Club is open to Class-I Officers of the C.P.T. and every member pays the monthly subscription after becoming a member on payment of admission fee. Facilities of catering, sale of alcoholic and non-alcoholic beverages game etc. exist in the Club for the members. The Club has its own constitution and bye-laws. The managing committee elected by the members of the Club is responsible for running the Club through its honorary Secretary and President. The managing committee of the Club is also responsible for the recruitment and supervision of the staff for the Club. The Club employed a Supervisor, a Mali, two Sweepers, a Barman, two Durwans and a Clerk. Their salaries are paid by the Club through the salary bills raised by it and they are under the control and supervision of the Club. For the catering arrangements in the Club a contractor Steward is selected for a specified period by the Club on certain terms and conditions. The Steward himself engages his Bearers, Cook and Cook-mate. The Club pays to the Steward a fee plus agreed monthly charges in respect of Steward and his staff. By an arrangement the Club serves food to the Boarders in the Guest House according to the Club menu on their demand and recover charges directly from the boarders of the Guest House at the Club rates. The Club also recovers suite-rent from the boarders in the Guest House at the rates offered by the C.P.T. and deposit the said collected rent with the C.P.T. from time to time. Seven of the concerned workmen namely Mali, two Sweepers, two Durwans one Barman and one Clerk were employed by the Club and other six workmen were engaged by the Steward as four bearers, one Cook and one Cook-mate. The concerned workmen were never employed by the C.P.T. and they were not employees under the C.P.T. The C.P.T. never terminated the services of the concerned workmen. If the Club and the Steward terminated the service of their respective employees, the C.P.T. cannot be held responsible for the same. The concerned workmen are not entitled to get any relief from the C.P.T.

6. Both parties have adduced evidence oral and documentary. The issue for adjudication by this Tribunal as per the schedule to the reference is whether the management of C.P.T. is justified in not treating the 13 persons as mentioned in the schedule as their workmen and if not to what relief the said persons are entitled. The second issue in the schedule to the reference requiring the adjudication from the Tribunal is whether the action of the management of C.P.T. in removing the aforesaid 13 persons from their service is justified and if not to what relief the said persons are entitled. So the first and foremost question for adjudication is whether the 13 persons named in the schedule to the reference were employed by the C.P.T. as their workmen. In the schedule to the reference the designation of the aforesaid 13 persons by virtue of their work has been given and it appears therefrom that Dhruva Sahu was the Mali, Nakul Nayak and Gakul Nayak were the Sweepers, Leakat Ali was the Barman, Murali Nayak

and Mohan Roy were the Durwans, Nasiruddin, Basiruddin, Raffikuddin and Duraj Rai were the Bearers, Swapan Gomes was the Cook and Shankar Gomes was the Cook-mate and Prasanta Bhattacharjee was the Clerk.

7. The Union has examined two witnesses of whom WW-1 Nur Ahmed is the President of Calcutta Port Shramik Janata Panchayat and the other witness is WW-2 Prasanta Bhattacharjee whose name appears in the schedule as the Clerk. The management has also examined two witnesses of whom MW-1 Dilip Kumar Sengupta is the Junior Assistant Secretary of the C.P.T. and he belongs to the Secretariat Department of the C.P.T. and MW-2 Somnath Ghosh is the Officer on special duty, Industrial Relations, C.P.T. and he is the elected Honourary Joint Secretary of the Club Situated at 93 Chowringhee Road.

8. There are some admitted facts in this case. There is no dispute to the fact that the C.P.T. has got its Guest House in the first floor and second floor at 93 Chowringhee Road. It is also an undisputed fact that the Club is situated in the ground floor of 93 Chowringhee Road, and that the said Club has got in its possession the ground floor and its adjacent lawn. It is also the undisputed fact that the Club has got lounge, dining hall, one bar, one office room, pantry kitchen and staff quarters numbering about five, toilet and urinal. The evidence of MW-2 Somnath Ghosh may be referred to in this connection. WW-2 Prasanta Bhattacharjee has stated in his evidence that out of 16 rooms in the said building 10 rooms are meant for the boarder guests and 6 rooms are used for accommodation of the staff and that there are other rooms also to accommodate dining hall, bar and office. Be that as it may, it is an undisputed fact that the first floor and second floor in the said building are used as Guest House.

9. The Union has come with the allegation that the 13 persons named in the schedule to the reference were the employees of the C.P.T. in relation to its Guest House and that their service were illegally terminated on 27-1-1984 by the C.P.T. as they made the demand for their service at par with the other employees of the similar rank under the C.P.T. The C.P.T. has come with the specific averment that the said persons were never employed by the C.P.T. and they were not the employees of the C.P.T.

10. WW-1 Nur Ahmad has admitted in his deposition that C.P.T. employs their workmen generally by giving the appointment letters and that the 13 persons involved in the reference were not given any appointment letter by the C.P.T. His evidence further shows that the said 13 persons were not given also the wage slips although their wages were paid. WW-1 Nur Ahmed however does not say whether the wages were paid to the said 13 persons by the C.P.T. from its muster roll or wage sheet. The Union espousing the case of the said 13 persons has not called for any wage sheet or muster roll from the C.P.T. to show that the wages were paid to the said 13 persons by the C.P.T. from its wage sheet/muster roll. The C.P.T. in their written statement has also in evidence through their witnesses has stated that the said 13 persons were not employed by them nor they were paid any wages/salaries by the C.P.T. as per any wage sheet/master roll. WW-2 Prasanta Bhattacharjee has admitted in his deposition that he was appointed by Captain Sanjib Sen who was the Secretary of the Club. MW 2 Somnath Ghosh who is the Honourary Secretary of the Club has stated in his evidence that the Club had one Supervisor, one Clerk one Barman, one Mali, two Durwans and two Sweepers as its employees. His evidence further shows that there was a Steward contractor of the Club and he had his own employees namely four Bearers, one Cook and one or two Cook-mate. According to his evidence Dhruba Saho was the Mali, Nakul Nayak and Gakul Nayak were the Sweepers, Murali Nayak and Mohan Roy were the Durwans. Leakat Ali was the Barman and Prasanta Bhattacharjee was the Clerk of the Club. His evidence further shows that the other persons named in the schedule to the reference were employees of the Steward, of whom four were Bearers, one was Cook and the other was the Cook-mate. The evidence has disclosed that the Club appointed its employees as mentioned above and the Steward appointed his employees as already mentioned and

that the Steward contractor is selected for a specified period for the catering arrangements of the Club.

11. The controversy as to who was the employer with regard to the aforesaid 13 persons as named in the reference has been settled by the 13 persons by their own statement in the Writ Petition Ext. M-6 before the Honble Calcutta High Court. In the said Writ Petition filed by the aforesaid 13 persons, there were three respondents namely, (1) Union or India, (2) Chairman of C.P.T. and (3) Secretary of the Calcutta Port Trust Officers' Club. In the said Writ Petition in paragraphs 1 and 2, the petitioners have clearly alleged that they were employed in different capacities under the Respondent No. 3, i.e. Secretary Calcutta Port Trust Officers' Club. In paragraph 9 of the said Writ Petition it has been mentioned that the entire expenses for maintaining the staff and the building were being borne by the C.P.T. and by the subscription of the members of the Club but payment of salary was being made to the petitioners in the muster roll maintained by the Respondent No. 3 i.e. Secretary of the Club. In paragraph 11 of the said Writ Petition it has been stated that the petitioners made representation to the Respondent No. 2 i.e. Chairman, C.P.T. for treating the petitioners as employees under the C.P.T. but the Respondent No. 2 (C.P.T.) turned a deaf ear to their request and demand. The Writ Petition Ext. M-6 was confronted to WW-2 Prasanta Bhattacharjee who was one of the petitioners and he has admitted the said Writ Petition. It is therefore clear from the comments in the Writ Petition that the 13 persons named in the reference were not employed by the C.P.T. and they were not employees of the C.P.T. They made representation to the C.P.T. for treating them as their employees, although some of them were directly employed by the Club and some of them were the employees of the Steward Contractor of the Club. Another important document namely the letter dated 4-12-1980 Ext. M-4 written by the General Secretary of the Union to the Secretary of the Club clearly shows that the persons named in the reference were described as employees of the Club and in the said letter the General Secretary of the Union demanded higher wages and other benefits for the said persons from the Secretary of the Club itself. This letter Ext. M-4 also establishes conclusively that the persons named in the reference were employed by the Club and that they were the employees of the Club.

12. It appears from the evidence and the materials in the record that the trouble started when the said 13 persons made a representation to the C.P.T. for treating them as their employees and when C.P.T. refused to treat them as such. The evidence has disclosed that then the said 13 persons approached the union which took up their cause and the written charter of demands from the Union was placed before the C.P.T. and the same also met the fate of refusal from the C.P.T. Exts. W-1, W-2, W-3, W-4, W-5, W-6 and W-7 are the representations from the Union to the C.P.T. regarding their charter of demands for the concerned 13 persons.

13. The Calcutta Port Trust Officers' Club is the self governing institution as per the averments of the C.P.T. in their written statement. Ext. M-1 is the Constitution of the said Club which supports the aforesaid averment of the C.P.T. According to the Constitution of the Club the officers of the Calcutta Port Trust shall be eligible to become members of the Club and retired officers residing in Calcutta also shall be the eligible members. It further appears that the membership of the Club will entitle also the family members of the member to use the facilities provided by the Club subject to any rules framed in this respect. There are provisions in the Constitution for entry-fee and monthly subscription for each and every member of the Club. The Constitution further shows that the Chairman of the C.P.T. shall be the Ex-officio President and the other members of the managing committee would be elected and the Honourary Secretary in consultation with the managing committee would run the day-to-day administration of the Club and the Club shall be managed by the managing committee, comprising the President, Vice-President, Honorary Secretary, Honorary Treasurer and six elected members of the Club. MW-2 Somnath Ghosh, Joint Secretary of the Club has stated in his evidence that the Club at present has got 350 members. His evidence further shows that the furniture in the Club belongs to the Club and not to the C.P.T. although WW-2 Prasanta Bhattacharjee has stated in his evidence that the furniture in the Club belongs to the C.P.T. In such contradictory evidence, I place

reliance on the evidence of the Club's Joint Secretary in this respect. The Union put a suggestion to MW-2 Somnath Ghosh that the Club has been provided by the C.P.T. as a service condition to the Officers of the Port Trust and MW-2 has denied that suggestion. The Constitution of the Club Ext. M-1 does not show so. The Union has not produced nor has called for any document from the C.P.T. to show that the said Club was provided as a service condition to the Officers of the Port Trust. From the materials in the record I find that the Club has got its own Constitution and it is the self-governing institution. It is not like a Canteen in the factory for the workmen to be managed by the factory according to the Factories Act and Rules thereunder. So the decision in the case of Coates of India Ltd. v. Fourth Industrial Tribunal of West Bengal and others, reported in 1980 Lab. I.C. 1126 regarding the employees in the canteen run by the Contractor under the factory management as relied on the Union will not be applicable in the instant case as the Club has not been established under any service condition of the C.P.T. nor the said Club is under the control and management of the C.P.T., although the Chairman of the C.P.T. is Ex-officio President of the Club according to the Club's Constitution.

14. The materials in the record do not also establish that the Club employed its employees and engaged the Steward contractor who in his turn employed his own employees, for the running of the business of the C.P.T. as an industry. The evidence has disclosed that the existence of the Club in the said building is prior to the existence of the Guest House. The evidence and materials in the record do not establish that the Club employed its employees and engaged the Steward contractor with his own employees for running the Guest House of the C.P.T. at 93 Chowringhee Road. So the decision in the case of Hussainbhai v. the Alath Factory Tezhilali Union and others, reported in 1978 Lab. I.C. 1264 as relied on by Mr. Saha is also not applicable in the facts and circumstances of the present case. The Club did not engage the employees as a contractor of C.P.T.

15. The other decision in the case of M/s. J. K. Cotton Spinning and Weaving Mills Co. Ltd. v. Labour Appellate Tribunal of India IIIrd Branch, Lucknow and others, reported in AIR 1964 SC 737 as relied on by Mr. Saha is also not applicable in the facts and circumstances of the present case. In the said case the Mill provided the Bungalows with attached garden to its officers and Directors. The Malis were engaged to look after the said gardens. The payment of wages to the Malis and the work of the Malis were controlled by the Mill. In such a case, the Malis so employed for the gardens were treated as workmen as defined in section 2(s) of the Act. In the instant case the facts are quite different. The Malis of the Club or the other workers of the Club were not employed by the C.P.T. Their payment and their work were also not controlled by the C.P.T. Such being the position, the aforesaid decision does not apply in the instant case.

16. The evidence adduced from both sides however shows that some of the persons named in the reference who were employees of the Club rendered some service to the Guest House and that some of the employees of the Steward contractor of the Club also rendered some service to the boarders of the Guest House and that the Caretaker an employee of the C.P.T. who used to manage the Guest House allowed them to render such service. Now the question arises whether by rendering such service the said employees of the Club and of the Steward contractor have become the employees of the C.P.T. to which the Guest House belongs. Before I discuss and analyse the evidence in this respect I may quote relevant portion of the principle of law as laid down by the Hon'ble Delhi High Court in the case of workmen of Swatantra Bharat Mills Canteen v. Management of Swatantra Bharat Mills, reported in 1984 Lab. I.C. 1235, as to the asseance of relationship of the master and servant or employer and employee.

"To bring a person within the definition of 'workman' as given in Cl. (s) of Section 2 of the Act it must, inter alia, be proved that he was employed in any industry. In other words the essential in-

gradient of a person being a 'workman' within this definition is the existence of relationship of master and servant or 'employer' and 'employee' between the parties. In the absence of existence of this relationship there could be no question of that person being a workman within definition of the term 'workman'.

.... The essence of relationship of master and servant is the rendering of services by the servant to, or for the use of, or on behalf of the master. This relationship is constituted by a contract, express or implied, between the employer and the employee. Under the contract the employee undertakes to serve the employer and to obey his reasonable orders within the scope of the duty undertaken. The employer on the other hand, undertakes to pay to the employee the agreed remuneration, etc.

.... All the factors, namely, employer's power to selection and dismissal right of control and supervising the method of doing the work; nature and place of work; the economic control and all other relevant circumstances have to be kept in mind."

17. Keeping in view the above principle of law as laid down by the Hon'ble High Court in deciding the question of the relationship of master and servant or employer and employee between the parties, I shall consider the evidence as to the rendering of service to the Guest House by some of the concerned persons named in the reference and its implication. WW-2 Prasanta Bhattacharjee in his evidence has stated that he used to prepare the bills of the Club, maintain the register of the Club and doing all other clerical jobs of the Club. He has further stated that he used to prepare the bill for the guest in the Guest House and in respect of the parties in the Guest House and that he used to prepare also the monthly statement which used to be sent to the C.P.T. MW-1 Dilip Kumar Sengupta who is the Junior Assistant Secretary in the Secretariate Department of the C.P.T. has stated in his evidence that the Caretaker looks after the Guest House and runs the Guest House with the help of the some other workmen. This witness has however stated in his evidence that he does not know whether Gakul Nayak and Nakul Nayak named in the reference worked as Sweepers in the Guest House. His evidence shows that Darwans in the Guest House are private security agency people engaged by the Club for the entire premises including the Club and the Guest House. He has admitted in his evidence that there are servicemen in the Guest House for rendering the service to the boarders of the Guest House and they are the employees of the Steward contractor of the Club. This witness has admitted once in his evidence that the persons named in the reference used to render service to the boarders of the Guest House and in the next breath he has stated that he does not know whether the said persons used to render any service to the boarders of the Guest House. MW-2 Somnath Ghosh the Honourary Joint Secretary of the Club has stated in his evidence that the suite rent of the boarders of the Guest House was collected by the Supervisor of the Club, although the Guest House does not belong to the Club but belongs to the C.P.T. He has further stated in his evidence that the boarders of the Guest House may take their meal from the Club Steward and drinks from the Club's Barman and pay the charges for the same to the Club. His evidence further shows that Club's Supervisor realises the said charges and the suite-rent of the concerned boarders of the Guest House by the same bill under instruction from the Caretaker of the Guest House and then remits the collected suite rent to the C.P.T. His evidence also shows that besides the Caretaker there is no other employee of the C.P.T. in the Guest House. He has no doubt stated in his evidence that the employees of the Club do not render any service to the boarders of the Guest House but it appears that his such evidence is far from truth. He has admitted in his evidence that he does not know who supplies water and any other thing required by the boarders of the Guest House to such boarders.

18. From the above discussion and analysis of the evidence as adduced by both the parties, I find that the boarders in the Guest House on their discretion take meal, tea, beverage etc. from the Steward of the Club and pay the price thereof. Similarly it appears that some boarders of the Guest House may take also drink from the Club's Barman and pay the price thereon. The meal charges and other charges for drink, tea etc. undoubtedly include the service charges thereon.

Such being the position, the Cook and Cook-mate of the Steward who prepared the meal, tea, snacks etc. cannot be said to have rendered any separate service to the boarders of the Guest House. They no doubt rendered service to the Steward who employed them and the boarders while paying the meal charges no doubt made payment for the preparation of the meal etc. Similarly the Bearers of the Steward who serve the meals, tea etc. to the boarders of the Guest House did not render any separate service to such boarders. They render service to the Steward while serving the meals, tea etc. to the boarders and the boarders while paying the meal charges and snack charges made payment also for such service rendered by the Bearers. Similarly the boarders who were served with drink by the Barman paid charges of the drink including the service rendered by the Barman in providing the boarders with drink. So in no way it can be said that the Barman of the Club and the Bearers Cook and Cook-mate of the Steward of the Club rendered service to the Guest House of the C.P.T.

19. Next comes the service rendered by one Mali, two Sweepers, two Durwans and a Clerk. The evidence has shown that they being the employees of the Club rendered their service to the Club. The evidence has not disclosed whether the Mali of the Club has rendered any service for any garden of the Guest House. The evidence as given by both parties has not disclosed that the Guest House has a separate garden in 93 Chowringhee Road. The evidence has no doubt transpired that the Club has a lawn and the Mali Dhruba Sahu is the Mali of the Club. Such being the position, I do not find that Dhruba Sahu as Mali rendered any service to the Guest House. The evidence as given in this case by both parties however discloses that the two Durwans employed by the Club worked for the entire building including the Guest House and that the two Sweepers also rendered their service in the rooms of the Guest House. The evidence has also disclosed that the WW-2 Prasanta Bhattacharjee did some clerical work in respect of the boarders of the Guest House. It may be mentioned here that save and except WW-2 Prasanta Bhattacharjee no other person named in the reference has come to say on oath that they were the employees of the C.P.T. and that they rendered their service to the Guest House. Be that as it may, I have already stated that the evidence has disclosed that the two Sweepers, two Durwans and the Clerk rendered some service in respect of the Guest House, although they were the employees of the Club.

20. The question now is whether by their such rendering of service which was no doubt accepted by the Caretaker of the Guest House made them employees of the C.P.T. I have given due consideration to this aspect keeping in view of the tests for determining the relationship of master and servant or employer and employee as discussed above, with reference to the decision reported in 1984 Lab. I.C. 1235 (supra) and I find that there had been no relationship of master and servant or employer and employee between the said persons and the C.P.T. The factors like C.P.T.'s power to selection and dismissal, C.P.T.'s right to control, C.P.T.'s economic control as employer over the aforesaid persons (namely, two Sweepers, two Durwans and one Clerk) who were the employees of the Club, are found to be absent. While arriving at the aforesaid decision I have not lost sight of the fact that the aforesaid persons rendered some service to the Guest House which was no doubt accepted by the Caretaker of the Guest House who was the employee of the C.P.T. In a case of such nature the said persons might have their remedy elsewhere according to law if not otherwise barred but they being not the workmen employed under the C.P.T. cannot get any relief from this Tribunal under the Industrial Disputes Act, 1947.

21. It is the definite contention of the C.P.T. in their written statement that they did not employ the persons named in the reference and that they did not terminate their service. I have already shown that the seven persons named in the reference were the employees of the Club and the rest were the employees of the Steward contractor of the Club. The evidence of MW-2 Somnath Ghosh, the Honorary Joint Secretary of the Club shows that the services of the persons named in the reference were terminated by the Club as a consequence of their agitation. It therefore appears that the C.P.T. is not in the picture as to the employment of the persons concerned and as to the termination

of their service. The C.P.T. has not been unjustified in not treating the concerned persons as the workmen of the C.P.T. It has been found from the materials in the record that the C.P.T. has not remove the aforesaid persons from the service but the Club has terminated their service. Such being the position, the Tribunal does not find any scope to give any decision on the point number 2 after adjudication of the reference as a whole.

22. The employer C.P.T. has challenged the reference on the ground of maintainability as according to the C.P.T. the persons named in the reference are not the members of the Union which is said to have espoused their cause. The documents like Exts. W-2 to W-8 establish that the Union in question espoused the cause of the concerned persons. It is true that the Union has not produced the resolution under which the cause of the concerned persons was taken-up for moving with the appropriate authority. There is however evidence from WW-1 Nur Ahmed, President of the Union in this respect. As to the membership of the concerned persons with the Union, the Union has produced one register of 1981 Ext. W-20 in relation to the Calcutta Post Trust Guest House. It appears there from that the names of the persons concerned are mentioned therein. The question is whether the register Ext. W-20 is the membership register of the Union. Mr. Mukherjee appearing for the C.P.T. has vehemently challenged the propriety of the Ext. W-20 as the membership register. The register Ext. W-20 does not establish by any caption or description that it is the membership register of the Union in respect of the C.P.T. Guest House, although the concerned persons names appear in the said register. The Union ought to have produced the membership register as a whole which could have shown whether their names are recorded in the membership register as a whole. It is true that WW-1 has stated in his evidence that the membership registers are maintained departmentwise. The receipts regarding the payment of subscription by the concerned persons as members of the Union have not been produced. WW-1 has stated that excepting this register Ext. W-20 all other papers have been destroyed by the flood of 1986. Mr. Mukherjee for the C.P.T. has only challenged such evidence while cross-examining MW-1. WW-1 Nur Ahmed has stated in his evidence that about 7000 employees of the C.P.T. are members of their Union and that the said members include also the 13 persons named in the reference. As against this oral evidence no rebuttal oral evidence has come from the C.P.T. which examined two witnesses. WW-2 Prasanta Bhattacharjee has also said in his evidence on oath that all the concerned persons are the members of the said Union. Such being the position, I accept the version of the Union that the concerned persons named in the reference are the members of the Union concerned and their cause was rightly espoused by the said Union. So the reference is found to be maintainable.

23. In view of what has been stated and discussed above, I find that the management has not been unjustified in not treating the concerned 13 persons named in the reference as the employees of the C.P.T. The services of the concerned persons having been terminated by the Club, the C.P.T. not in any way connected with the removal of such persons from the service under the Club. The persons concerned therefore are not entitled to any relief from the C.P.T.

This is my Award.
Dated, Calcutta,
The 9th August, 1989

SUKUMAR CHAKRAVARTY, Presiding Officer
[No. I-32011/3/85-D.IV(A)/D.III(B)]

मई दिल्ली, 23 अगस्त, 1989

का. घा. 2269:—औद्योगिक विवाद अधिनियम, 1948 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार उक्त अधिनियम की धारा, 33 के अंतर्गत महा शक्ति, इलदिया रिफाइनरी लेबर काउन्सिल यूनियन, इलदिया द्वारा इलदिया रिफाइनरी ग्राफ आई० ओ०

सी. हलदिया और में बंगाल ट्रेडिंग कारपोरेशन हलदिया के प्रबन्धतंत्रों के विरुद्ध दायर एक शिकायत पर अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-8-89 को प्राप्त हुआ था।

New Delhi, the 23rd August, 1989

S.O. 2269.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta in respect of a complaint under Section 33-A of the said Act, filed by the General Secretary, Haldia Refinery Labour Contractors' Union, Haldia against the managements of Haldia Refinery of IOC, Haldia and M/s. Bengal Trading Corporation, Haldia which was received by the Central Government on the 17th August, 1989.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Misc. Application No. 1 of 1989 U/S 33-A of the
(Industrial) Disputes Act, 1947.

(Arising out of Reference No. 148 of 1988)

PARTIES :

General Secretary,

Haldia Refinery Labour Contractors' Union, P. O.
Haldia Oil Refinery, Distt. Midnapore, Pin : 721606,
West Bengal. .. Applicant

Vs.

The Chief Executive Director, Haldia Refinery of Indian
Oil Corporation, P. O. Haldia Oil Refinery, Distt.
Midnapore, Pin : 721606, West Bengal.

M/s. Bengal Trading Corporation, C. P. T. Contractor's
Coloney, P. O. Durgachak (Haldia), Distt. Midna-
pore, Pin : 721602, West Bengal.

... Opp. Parties.

APPEARANCES :

On behalf of Applicant : Mr. A. J. Ali, President of
the Union.

On behalf of Opp. Parties : Mr. D. Chowdhury, Labour
Officer for the Opp. Party No. 1.

None for the Opp. Party No. 2.

STATE : West Bengal.

INDUSTRY : Oil.

AWARD

When the case is called out today, the General Secretary of the Union who filed the complaint under section 33-A of the Industrial Disputes Act, 1947 has filed the application withdrawing the said complaint. Considered the application. The complaint under section 33-A of the Industrial Disputes Act, 1947 be treated as withdrawn in terms of the afore-said application which do form part of this Award as Annexure—A.

This is my Award
Dated : Calcutta,
The 21st July, 1989.

SUKUMAR CHAKRAVARTY, Presiding Officer
[No. L-29025/1/88-D. III (B)]

2427 GI/89—9

ANNEXURE—A

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : CALCUTTA

In the matter of an Application under Section 33-A of
the Industrial Disputes Act, 1947, arising out of
Reference No. 148/88.

AND

In the matter of Miscellaneous Application No. 1 of
1989.

BETWEEN

The General Secretary, Haldia Refinery Labour Con-
tractors' Workers' Union, P. O. Haldia Refinery
Midnapore, Complainant.

AND

(i) Chief Executive Director Haldia Refinery of Indian
Oil Corporation, Haldia Refinery, Midnapore.

(ii) M/s. Bengal Trading Corporation, CPT Contrac-
tors' Colony Midnapore, Opposite Parties.

The humble petition on behalf of the General Secretary,
Haldia Refinery Labour Contractors' Workers' Union, Com-
plainant in the above matter.

Most Respectfully.

SHEWETH.

1. That the Complainant in the instant Application arose
out of the dispute in the Reference No. 148/88 in which
the aforesaid parties were involved in the dispute.

2. That the employer contractor M/s. Bengal Trading
Corporation, the opposite party No. (ii) as aforesaid, and
the Union, the Complainant in the application have mutual-
ly resolved the dispute contained in the Reference No.
148/88 before this Hon'ble Tribunal and a joint petition to
this effect has been submitted by both the parties on
12-7-1989 to the Hon'ble Tribunal for disposal of the
Reference matter by passing an Award.

3. That accordingly the Union, Complainant in the afore-
said application hereby withdraws its complaint dated 18th
January, 1989 filed under Section 33-A of the Industrial
Disputes Act, 1947 at present pending before this Hon'ble
Tribunal.

It is therefore humbly prayed that this Hon'ble Tribunal
will be graciously pleased not to take cognizance of the
Complaint in the Miscellaneous Application No. 1/89 and
dispose of the same by passing an Order accordingly.

And for this the Petitioner as in Duty Bond shall ever
pray.

For and on behalf of Haldia
Refinery Labour Contractors'
Workers' Union, Haldia

Dated : 21-7-1989

RINDHADEV MATTY General Secy

नई दिल्ली, 29 अगस्त, 1989

का. आ. 2270:—औद्योगिक विवाद अधिनियम,
1947 (1947 का 14) की धारा 17 के अनुसरण में,
केन्द्रीय सरकार उक्त अधिनियम की धारा 33क के अंतर्गत
श्री मोहन बीर सिंह अध्यक्ष, एयर इंडिया केबिन क्र एसो-
सिएशन बम्बई द्वारा एयर इंडिया बम्बई के प्रबन्धतंत्र के
विरुद्ध दायर एक शिकायत पर अनुबंध में निर्दिष्ट केन्द्रीय
सरकार औद्योगिक अधिकरण, स. 2, बम्बई के पंचपट को
प्रकाशित करती है जो केन्द्रीय सरकार को 22-8-89 को
प्राप्त हुआ था।

New Delhi, the 29th August, 1989

S.O. 2270.—In pursuance of Section 17 of the Industrial
Disputes Act, 1947 (14 of 1947), the Central Government
hereby publishes the award of the Central Government In-
dustrial Tribunal, No. 2, Bombay in respect of a complaint

under Section 33A of the said Act filed by Shri Mohan Bir Singh President Air India Cabin Crew Association, Bombay against the management of Air India, Bombay which was received by the Central Government on the 22nd August, 1989.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Complaint No. CGIT-2/1 of 1986

Arising out of Reference No. CGIT-2/16 of 1984

PARTIES :

Shri Mohan Bir Singh, ... Complainant.
President,
Air India Cabin Crew
Association,
Old Airport, Santacruz (E),
Bombay-400029.
Vs.

1. Air India, Respondents
Air India Building,
Nariman Point,
Bombay-400021.
2. Shri H. C. Kapoor,
Dy. Managing Director,
Air India.
3. Shri J. K. Khambatta,
Commercial Manager,
Air India.

APPEARANCES :

For the Complainant—Shri M. B. Singh, Complainant in person.

For the Respondents—1. Shri Rakesh Sawhney, 2. M/s. Anjali Seth, Advocates.

INDUSTRY : Air Lines STATE : Maharashtra.
Bombay, the 3rd August, 1989

AWARD

The complainant has filed this complaint under Section 33-A of the Industrial Disputes Act. His complaint, in short, is thus :—

He is the President of the Air-India Cabin Crew Association. He is a protected workman and an industrial dispute was pending before this Tribunal between the Cabin Crew Association of Air India, and the Air India management. The Air India and its officers had taken action against the complainant, and thus they have committed breach of the provisions contained in Section 33 of the Industrial Disputes Act. His foreign posting has been terminated with effect from 16th December, 1985. He has been removed from flying duties from that date. He has been thereby punished with loss of various allowances and benefits. He has not been assigned any duty since 16th December, 1985. This tantamounts to a change in conditions of service as applicable to him, prior to the commencement of the industrial dispute pending before this Tribunal. The complainant, therefore, prayed that this Tribunal should decide his complainant and should pass the necessary orders as may be deemed fit.

2. The Air India by their written statements (Ex. 2 & 3) contested the claim of the complainant, and in substance contended thus :—

There is no change in conditions of service of the complainant. There is no pendency of any industrial dispute between the Air India and its employees before this Tribunal. An industrial dispute was pending before this Tribunal, but it has been disposed of and the necessary award has been passed. The complainant has already raised a dispute on the same subject matter before the Assistant Labour Com-

missioner (C). Therefore, complainant cannot pursue the same matter in two forums.

3. As regards merits of the case, the Air India contended thus :—

There are certain serious allegations against the complainant. Hence, an enquiry has been started against him since December 1985. For the expeditious disposal of the said enquiry, the complainant should be available in Bombay. Hence no flying duties have been assigned to him. The complainant deserved suspension from service. However, the management did not suspend him from service. The management did not want the complainant to be deprived of his salary. Hence he has not been suspended from service. The action of the management is just and proper, and the complainant's complaint deserves to be dismissed.

4. On these pleadings, the necessary issues have been framed at Ex. 4.

5. While the case was at the stage of evidence, the complainant filed an application that the matter has been amicably settled between himself and the Air India management, and he may be permitted to withdraw the complaint. As the matter has been amicably settled between the parties, the complainant is allowed to withdraw his complaint. Therefore, as the complainant is allowed to withdraw the complaint, his complaint stands disposed of.

Award is passed accordingly.

P. D. APSHANKAR, Presiding Officer
[No. L-29025/1/88-D.III(B)]
V. K. SHARMA, Desk Officer

नई दिल्ली 23 अगस्त, 1989

का. आ. 2271:—राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (ग) के अनुसरण में श्री डी. के. सिंह के स्थान पर श्री बलदेव महाजन वित्तीय सहायकार श्रम मंत्रालय को कर्मचारी राज्य बीमा निगम में सदस्य के रूप से नाम निर्दिष्ट किया है :

अतः अब केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 545 (अ) दिनांक 25 जुलाई, 1985 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में "[केन्द्रीय सरकार द्वारा धारा 4 के खण्ड (ग) के अधीन नामनिर्दिष्ट]" शीर्षक के नीचे मद 4 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जायेगी, अर्थात् :—

श्री बलदेव महाजन,
वित्तीय सहायकार,
श्रम मंत्रालय,
भारत सरकार,
नई दिल्ली।

[संख्या यू. 16012/6/89-एस. एस-1]

New Delhi, the 23rd August, 1989

S.O. 2271.—Whereas the Central Government has, in pursuance of clause (c) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri Baldev Mahajan, Financial Adviser, Ministry of Labour as member of the Employees' State Insurance Corporation, in place of Shri D. K. Singh;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour S.O. No. 545(E), dated the 25th July, 1985, namely:—

In the said notification, under the heading "(Nominated by the Central Government under clause (c) of section 4)" for the entry against Serial No. 4, the following entry shall be substituted namely:—

"Shri Baldev Mahajan,
Financial Adviser,
Ministry of Labour,
Government of India,
New Delhi.

[No. U-16012/6/89-SS. I]

का. प्रा. 2272:—केन्द्रीय सरकार के कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 8 के खण्ड (ख) के अनुसरण में श्रम डी. के सिंह के स्थान पर श्री बलदेव महाजन, वित्तीय सलाहकार, श्रम मंत्रालय को कर्मचारी राज्य बीमा निगम को स्थायी समिति के सदस्य के रूप में नामनिर्दिष्ट किया है।

अतः श्रम केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 8 के अनुसरण में, भारत सरकार के श्रम मंत्रालय को अधिसूचना संख्या का. प्रा. 293 दिनांक 8 जनवरी, 1988 में निम्नलिखित संशोधन कर्तती है, अर्थात्:—

उक्त अधिसूचना में "केन्द्रीय सरकार द्वारा धारा 8 के खण्ड (ख) के अधीन नामनिर्दिष्ट "शोर्षक के नौवें मद

2 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

"श्री बलदेव महाजन,
वित्तीय सलाहकार,
श्रम मंत्रालय
भारत सरकार,
नई दिल्ली।

[सं. यू-16012/6/89-एसएस-I]

S.O. 2272.—Whereas the Central Government has, in pursuance of clause (b) of section 8 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri Baldev Mahajan, Financial Adviser, Ministry of Labour as member of the Standing Committee of the Employees' State Insurance Corporation, in place of Shri D. K. Singh;

Now, therefore, in pursuance of section 8 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour S.O. No. 293, dated the 8th January, 1988, namely:—

In the said notification, under the heading "[Nominated by the Central Government under clause (b) of section 8]", for the entry against Serial Number 2, the following entry shall be substituted, namely:—

Shri Baldev Mahajan,
Financial Adviser,
Ministry of Labour,
Government of India,
New Delhi.

[No. U-16012/6/89-SS. I]

नई दिल्ली, 23 अगस्त, 1989

का. प्रा. 2272:—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1-9-89 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 (धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध कर्नाटक राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात्:—

क्षेत्रों के नाम	राज्य ग्राम का नाम या नगरपालिका सीमा	होश्वती	तालुक	जिला
नवानाहल्ली	नवानाहल्ली धारानहल्ली संजल पंचायत	कसबा	मैसूर	मैसूर
श्रीकाहल्ली गोखूर	मुल्लूर सर्कल में शामिल गांव श्रीकाहल्ली गोखूर	कसबा	मनजनगुड	मैसूर
तालुड, उडीपी	तालुड गांव	बम्बसे	कुडुपुर	दक्षिण कर्नाडा
मंगलूर के आसन्न क्षेत्र				
(क) नीरमारगा/मोमनजूर	नीरमारगा	गुरुपुरा	मंगलूर	दक्षिण कर्नाडा
	श्रीकाहल्ली	गुरुपुरा	गुरुपुरा	दक्षिण कर्नाडा
	पडावू	मंगलूर "क"	गुरुपुरा	दक्षिण कर्नाडा
(ख) परमानुर/कोटेकार कोयला/सोमेरावर	परमानुर गांव	मंगलूर "ब"	मंगलूर	दक्षिण कर्नाडा
	कोटेकार कोयला	मंगलूर "ब"	मंगलूर	दक्षिण कर्नाडा
	सोमेरावर	मंगलूर "ब"	मंगलूर	दक्षिण कर्नाडा
शिककाकालासन्ना	शिककाकालासन्ना	उदराहल्ली	बंगलूर दक्षिण	बंगलूर
काम गोन्डानाहल्ली	काम गोन्डानाहल्ली	यसवन्तापुर	बंगलूर उत्तर	बंगलूर
बेलगांव के आसन्न क्षेत्र				
हिन्दासगा और मारा	हिन्दासगा गांव	अचागांव	बेलगांव	बेलगांव
धोषोगिक क्षेत्र	मारा गांव	बेलगांव	बेलगांव	बेलगांव
मवाकारी ,	मवाकारिपुरा	कसबा	बिजपुरा	बिजपुरा

[संख्या एस-38013/20/89-एस. एस.-1

S.O. 2273—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st September, 1989 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of Section 76 and 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State Karnataka, namely:—

Name of Centres	Name of the revenue village of municipal limits	Hobli	Taluk	District
Nadanahally	Nadanahally Yaraganahally Mandal Panchayat	Kasaba	Mysore	Mysore
Geekahalli-Gollur	Village included in Mullur circle Geekahalli Gullur Village	Kasaba	Nanjangud	Mysore
Tallur Udupi	Tallur Village	Vandse	Coondapur	Dakshina Kannada.
MANGALORE OUT-SKIRTS				
(a) Neermarga/ Omanjoor.	Neermarga	Gurupura	Mangalore	Dakshina Kannada
	Thiruvalli Padavu	Gurupura Mangalore 'A'	Mangalore Mangalore	Dakshina Kannada Dakshina Kannada
(b) Permanur/ Kotekar-Kolya Someswar.	Permannur-Village	Mangalore 'B'	Mangalore	Dakshina Kannada
	Kotekar-Kolya Someswar	Mangalore 'B' Mangalore 'B'	Mangalore Mangalore	Dakshina Kannada Dakshina Kannada
Chikkakallasandara Kamagondanahalli	Chikkakallasandara Kamagondanahalli Reneue Village-Panchayat.	Urrarahalli Yeshwanthpur	Bangalore South Bangalore North	Bangalore. Bangalore.
BELGAUM OUT-SKIRTS				
Hindalga and Machhe Industrial Area.	Hindalga Village	Uchagoan	Belgaum	Belgaum
	Macche Village	Belgaum	Belgaum	Belgaum
Madakaripura	Madakaripura	Kasaba	Chitradunga	Chitradurga .

[No. S-38013/20/89-SS.]

का० आ० 2274.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1-9-89 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 (धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय

जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध तमिल नाडु राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात् :—

“जिला कोडंबटूर के उदमाल तालुक में राजस्व ग्राम अंगरहारा कन्नादी पुथूर (अ. कन्नादीपुथूर) कन्नामनाई (कानुर) मयवादी और जिला अन्ना के तालुक पलानी में राजस्व ग्राम मिदापाडी पुशपाथूर ए द. के अन्तर्गत आने वाले क्षेत्र”

(स आ एस-38013/17/89एस.एस)

S.O. 2274.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st September, 1989 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already brought into force) and Chapters V and VI (except sub-section (1) of sections 76 and 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil Nadu, namely:—

"Area comprising of revenue villages Agrahara Kannadiputhur (A. Kannadiputhur) Kannamanai (Kanur) Maivadi in Udumalpet Taluk in Coimbatore District and Midapadi, Pushpathur in Palani Taluk in Anna District."

[No. S-38013/17/89-SS. I]

नई दिल्ली, 29 अगस्त, 1989

का. मा. 2275:—केन्द्रीय सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (ख) के अनुसरण में श्री बाबल राय के स्थान पर श्री सुरेश माथुर, सचिव, श्रम मंत्रालय को कर्मचारी राज्य बीमा निगम के उपाध्यक्ष के रूप में नामनिर्दिष्ट किया है,

अतः अब केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. मा. 545 (अ), दिनांक 25 जुलाई 1985 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में "केन्द्रीय सरकार द्वारा धारा 4 के खण्ड (ख) के अधीन नामनिर्दिष्ट 'शीर्षक के नीचे मद 2 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

श्री सुरेश माथुर
सचिव भारत सरकार
श्रम मंत्रालय
नई दिल्ली

[संख्या यू. 16012/5/89 एस. एस.-1]

New Delhi, the 29th August, 1989

S.O. 2275.—Whereas the Central Government has, in pursuance of clause (b) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri Suresh Mathur, Secretary, Ministry of Labour as Vice Chairman of the Employees' State Insurance Corporation, in place of Shri Badal Roy;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour S.O. No. 545(E), dated the 25th July, 1985, namely:—

In the said notification, under the heading "[Nominated by the Central Government under clause (b) of section 4]", for the entry against Serial Number 2, the following entry shall be substituted, namely:—

Shri Suresh Mathur,
Secretary to the Government of India,
Ministry of Labour,
New Delhi.

[No. U-16012/5/89-SS. I]

नई दिल्ली, 30 अगस्त, 1989

का. मा. 2276.—केन्द्रीय सरकार की राय है कि लौह अयस्क पेलेट्स विनिर्माण उद्योगों में नियोजित कर्मचारियों के संबंध में कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 16) के अधीन भविष्य निधि योजना बनाई जाये।

अतः अब, कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 4 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार सितम्बर, 1989 से उक्त उद्योग को उक्त अधिनियम की अनुसूची 1 में सम्मिलित करती है।

[संख्या एस-35020/3/88-एस. एस.-II]

ए. के. भट्टारай, अवर सचिव

New Delhi, the 30th August, 1989

S.O. 2276.—Whereas the Central Government is of the opinion that provident funds scheme should be framed under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) in respect of the employees employed in the industries manufacturing iron ore pellets;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby adds with effect from 1st day of September, 1989 the said industry to Schedule I to the said Act.

[No. S-35020/3/88-SS. II]

A. K. BHATTARAI, Under Secy.

नई दिल्ली, 25 अगस्त, 1989

का. आ. 2277.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक आफ इंडिया के प्रबंधन से संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-8-89 को प्राप्त हुआ था।

New Delhi, the 25th August, 1989

S.O. 2277.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the Central Bank of India and their workmen, which was received by the Central Government on the 21-8-89.

ANNEXURE

BEFORE SHRI ARJUN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
PANDU NAGAR, KANPUR

Industrial Dispute No. 178 of 1987

In the matter of dispute between.
Branch Secretary
Central Bank of India Staff Association
Bahraich Unit
Risla
Bahraich U.P.

AND

The Regional Manager
Central Bank of India
Golghar
Gorakhpur U.P.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/36/86-D.1(A) dt. 26th November, 1987, has referred the following dispute for adjudication to this Tribunal.

Whether the action of the management of Central Bank of India, Mihimpurwa Branch in stopping increment of Shri S. N. Sinha, Assistant Cashier/Godown Keeper, w.e.f. 1-5-85 in pursuance of the punishment order dated 26-3-85 is justified? If not, to what relief is the workman entitled?

2. The industrial dispute on behalf of the workman has been raised by the Branch Secretary, Central Bank of India Staff Association Bahraich Unit, Bahraich, U.P. The admitted case of the parties is that while the workman was working as Assistant Cashier in the Bahraich Branch of the Bank he was served with chargesheet dt. 2-8-83/1-9-83. Prior to the service of the chargesheet he was suspended on 24-6-83. The chargesheet referred to 5 charges; One was that on 3-6-83, the workman misappropriated a sum of Rs. 30, in connection with the amount deposited by one Shri Anant Ram Pandey, a bank's customer for the preparation of demand draft for Rs. 1600. Although Shri Pandey deposited Rs. 1632 the workman only noted the amount of Rs. 1632 in the cash section scroll. He was, therefore, said to have committed gross misconduct within the meaning of para 19.5(g) of the first Bipartite Settlement. The second was that in connection with the preparation of Demand draft, the workman tampered with the bank's record and he thereby committed gross misconduct within the meaning of para 19.5(d) of the First Bipartite Settlement. The third and fourth charges related to misbehaviour and demonstration held by the workman on 6-6-83 and 7-6-83, thereby committing gross misconduct within the meaning of para 19.5(c) of the First Bipartite Settlement. The fifth charge was that on 7-6-83, at about 4.30 p.m. the workman with some of his associates gheraoed the acting Branch Manager Sh. S. N. Mehrotra and did not allow him to close cash till 6 p.m. The workman thus committed gross misconduct under para 19.5 (j) of the first Bipartite Settlement.

3. Inquiry into the said charges was held by Sh. S. S. Chhabey, an officer of the Bank. He gave his finding holding charges 4 and 5 as not proved. With regard to charge No. 1 he held that charge of misappropriation against the workman was not proved but all the same the charge for negligence and irresponsibility stood proved. With regard to charge No. 2 and 3 he held the charges as proved. The disciplinary authority vide his order dt. 26-3-85 awarded the punishment of stoppage of one annual increment permanently in respect of the first charge, stoppage of one annual increment permanently in respect of the second charge and stoppage of 2 annual increment permanently in respect of the third charge. Against the order of punishment the workman filed an appeal which was dismissed by the appellate authority vide his order dt. 29-1-86.

4. The case of the Association is that the inquiry was conducted in biased and prejudicial manner. He was not supplied with the copies of chargesheets served on Shri R. P. Sharma, the then Chief Cashier and Shri S. N. Mehrotra Acting Branch Manager. Further the witnesses whom he wanted to examine in defence were not relieved by the management. The findings given by the E.O. are not based on evidence. The disciplinary authority while awarding punishment did not take into consideration the evidence given by the workman's witness in defence documents, the practice prevailing in the Bank's and the arguments tendered at the time of personal hearing from the side of the workman. In fact the whole of the inquiry was not conducted fairly and properly. The order of punishment dt. 26-3-85 was served on 1-5-85 i.e. to say it was made effective from back date. The Appellate Authority while disposing of the appeal preferred by the workman did not give him a personal hearing. Even the mercy appeal filed by the workman was rejected by the Central Office. The Association has, therefore, prayed that the order of punishment be set aside and the increment of the workman withheld be released.

5. The management pleads that it is not mandatory that the chargesheet should be issued first and order of suspension be

passed afterward. The delay in the service of chargesheet was an account of administrative reasons and because of the fact that the Chief Manager (Disciplinary Authority) was on leave. According to the management the inquiry was conducted fairly and properly in accordance with the principles of natural justice. The findings are based on evidence. All relevant documents were provided to the workman. The delay in the disposal of appeal took place on account of administrative reasons. Further it was not mandatory for the appellate authority to give hearing to the workman because the punishment awarded to the workman was not of dismissal or removal from service. With regard to service of order of punishment dt. 26-3-85, the management pleads that the said order was sent to Bahraich Branch for service on the workman immediately. The Bahraich branch advised workman to come at the branch to receive the order of punishment by means of letters dt. 1-4-85 and 23-4-85, but the workman deliberately avoided to accept the service of the punishment order. Therefore, the Bahraich Branch was left with no other alternative but to send the order of punishment by registered post with copy sent under Certificate of Posting and displaying a copy of the order on the office notice board on 27-4-85. It was, thereafter, that the workman called on Bahraich Branch on 6-5-85 when the order of punishment was delivered to him personally.

6. In its rejoinder, the Association denies that the workman deliberately avoided service of the punishment order sent by post or deliberately avoided to accept service. No other plea has been taken by the Association in rejoinder.

7. In support of its case the Association has filed the affidavit of the workman and a number of documents. On the other hand the management have filed the affidavit of Shri S. K. Dey, Regional Manager, Lucknow Region, of the Bank and a number of documents. Some of the documents filed by the management are those which were summoned from the management by the Association.

8. Although the industrial dispute has been raised by the Branch Secretary, Central Bank of India Staff Association Bahraich Unit, the case has been argued by the workman himself. During the course of his arguments he has laid much stress on two points. The first is that the inquiry was not conducted fairly and properly inasmuch as he was not given sufficient opportunity to produce all his witnesses in defence. The second point urged by him is that findings given on charges Nos. 1, 2 and 3 by the Enquiry Officer and confirmed by the Disciplinary Authority and the Appellate Authority are not based on evidence.

Point No. 1.

9. I have gone through the copy of enquiry proceedings filed by the management with their list of documents dated 13-2-89 and statements made by the workman in his cross examination and find that in this contention of the workman there is absolutely no force. The enquiry officer appears to have afforded to him every opportunity and even the management gave full cooperation to the workman in this regard. If he could not examine his witness except Shri R. P. Sharma, the then Chief Cashier, B.O. Bahraich, it was not due to any lapse or fault on the part of the enquiry officer and the management.

10. The management concluded their evidence on 19-5-84. Thereafter, several dates were fixed for the examination of workman's witnesses but despite sufficient opportunities given to him, the workman could examine Shri R. P. Sharma. Only I may state here that Shri R. P. Sharma, was examined by the workman on 9-8-84 when on workman's failure to produce his other witnesses the proceedings were concluded by the E.O. Even while concluding proceedings, the E.O. gave the workman 15 days time to submit his prepared statements in consultation with his representative. At page 32 of the inquiry proceedings the E.O. has observed as follows:

"The matter was handed over to the management representative to arrange for the same but the Divisional Office, Gorakhpur, opined that the onus of calling defence witnesses is the pure concern of defence themselves. If the concerned witnesses be bank employees the management would arrange leave on duty for them on the time he or they

appear/s before the Enquiry Officer as defence witness..."

At pages 33 and 34 the Enquiry Officer gave the workman opportunity to call his witness, but at his own expense.

11. In para 4 of his statement in cross examination the workman has deposed that he could not produce Shri H. P. Singh and Shri Jagdish Prasad his other witness in defence as he was not possessed of sufficient means to call them from the branches where they were posted. A little later in the same paragraph he has deposed that he never made a request in writing before the E.O. that since the above named two witnesses had been posted to far off places they should be summoned at the expense of the management in the interest of justice.

12. Looking to the above evidence and circumstances, it cannot be held that the workman was not given sufficient opportunity to examine all his witnesses in defence. Hence I decide point no. 1 against the workman.

Point No. 2

13. The whole controversy had arisen in connection with a sum of Rs. 30 deposited in excess on 3-6-83 by one Shri Anant Ram Pandey towards the preparation of a bank draft for Rs. 1600. As we have seen from the narration of the admitted facts there were five charges against the workman. Since charges No. 4 and 5 were held as not proved, I shall confine myself to the first three charges. These three charges were—

1. Misappropriation of Rs. 30/-.
2. Tempering of Bank Record, and.
3. Indescent behaviour with Shri S. N. Mehrotra, Acting Branch Manager on 6-6-83, at about 9.30 a.m.

14. I have carefully gone through the evidence recorded during the inquiry proceedings and documents connected with Shri H. P. Sharma, the then Chief Cashier Shri S. N. Mehrotra, the then Acting Branch Manager and Shri Anil Kumar Mehrotra, the then peon B.O. Bahraich summoned by the workman in this case from the management and I find that so far as the first two charges are concerned the findings recorded by the B.O. and confirmed by the disciplinary authority and the appellate authority are not supported by evidence and circumstances.

Charge No. 1 :

15. While considering the evidence on this charge, the E.O. has observed that excess receipt of Rs. 30 was probably detected the same day i.e. on 3-6-83 in the evening. Therefore, according to the E.O. the aspect left to be analysed was whether the said amount was properly accounted for in the bank's book the same day or not. The E.O. reached the conclusion that it was not accounted for in the books the same day; rather the amount was accounted for in the late hours of 4-6-83. For arriving at the said conclusion he relied upon the statement of Shri S. N. Mehrotra, Acting Branch Manager, who has said that the amount was not accounted for in bank's book the same day and that the amount of Rs. 30 shown in the credit voucher dated 3-6-83 for deposit to the account C. D. Sundry creditors was actually deposited on 4-6-83. He disbelieved the statement made by Shri R. P. Sharma, Chief Cashier examined in defence that the excess amount of Rs. 30 detected the same day was kept in closing cash alongwith sundry creditor voucher after duly bringing the fact to the notice of the Acting Branch Manager and after making mention of it on the top of Cash Memo Register Folio of the day. About the prevailing practice of crediting excess amount in such situation on the next day the E.O. observed that whatever might be the practice prevailing at the branch in the past, its impact in the present case had to be judged on circumstances. He observed that even if Rs. 30 were kept in cash by Chief Cashier as recorded in the Cash Voucher Folio of the day, it was his duty to bring the fact to the knowledge of the Acting Branch Manager at the time of verification of cash by him at close of the day. He further observed that there was definitely some lapse of official procedure which created odd situation. Accordingly absolving the workman of the charge of misappropriation he held him guilty of negligence and irresponsibility with some ulterior motive.

16. Let us test the reasons on which the E.O. has based his findings on charge No. 1. With their application dated 20-4-89, moved on 21-4-89, the management filed a few documents summoned by the workman. One such document is the copy of chargesheet dt. 30-12-83, issued to Shri Anil Kumar Mehrotra, the then peon Branch Office, Baharaich. There were two charges against him. One was that on 4-6-83, he had visited the shop/residence of M/s. Tilak Chand Nagraj, M/s. Chandan Mal Jain and M/s. Mahavir Prasad Murari Lal and had collected a few vouchers of drafts/current account for deposit of amount in the bank before the opening of bank with mala fide intention and on misrepresentation of facts to them with a view to get them entered on serial No. 1 in the accounts section scroll. The second was that on 4-6-83, he had prepared the voucher of HSS A/C 6350 of Smt. Batasia in his own handwriting with mala fide motive when he had no authority to do so. Later on the management filed the copy of inquiry report dated 20-12-84 into the said charges against Shri Anil Kumar Mehrotra, with their application dt. 18-5-89. Copy of inquiry report which is dated 20-12-84 shows that both the charges were held as proved against him.

17. With their application dated 20-4-89, the management also filed the copy of chargesheet dated 31-12-83, issued to Shri S. N. Mehrotra, Acting Branch Manager Charge No. 1 was that on 4-6-89 Shri S. N. Mehrotra deliberately and with mala fide intention asked the peon Shri Anil Kumar Mehrotra to collect a few credit vouchers from the customers of the bank for depositing the cash on that date and entered the same at serial nos. 1, 2 and 3 in both the receipts of accounts section scroll himself before opening of bank though the departmental clerks was present. Thus he had acted in a manner which was not becoming of an officer holding charge of an office and thereby committed misconduct under para 3(1) of Central Bank of India Officer Employees Regulation, 1976. The management with their application dated 18-5-89 have filed the copy of memo dated 13-5-85 which was issued by the disciplinary authority to Shri S. N. Mehrotra. From the memo it appears that no domestic inquiry was held into the charges referred against him. The disciplinary authority, however, after considering the reply given by Shri S. N. Mehrotra found that Shri Mehrotra had committed lapse as mentioned in the above mentioned charge. Thus from the above documents it becomes crystal clear that a successful attempt was made by Shri S. N. Mehrotra, the then acting branch manager with the help of Shri Anil Kumar Mehrotra, peon of the branch to see that voucher for Rs. 30 did not get entered as serial No. 1 on the opening of the branch. This explains why the amount of Rs. 30 could be accounted for in the later part of 4-6-83.

18. The management have with their application dated 20-4-89, have filed the copy of charge sheet which was given to Shri R. P. Sharma, the then Chief Cashier. The chargesheet refers to 5 charges against him and all these charges appeared to arise out of the excess amount received from Shri Anant Ram Pandey for the preparation of bank draft. I would like to make a special reference of charge No. 2. It is to the effect that in the cash memo of the branch dated 3-6-83, he had put a remark on later date on the upper portion as "Rs. 30 excess received". Under his initial without the knowledge or permission or authentication of the branch manager. Moreover, he had put the said remark on the cash memo when there was no excess receipt on that date as alleged excess receipt of Rs. 30 was immediately received by the Assistant Cashier Shri S. N. Sinha on 4-6-83, as per date mentioned by him on the voucher after receipt of the cash.

19. The management with their application dated 18-5-89 have filed the copy of Enquiry report dated 30-6-86, held by Shri R. V. Dubey, E.O. into the aforesaid 5 charges. The E.O. held charge No. 2 specifically referred to above as not proved. At page 3 of his report the E.O. has observed that no doubt the receiving cashier Shri S. N. Sinha, as mentioned in charge had put the date 4-6-83 on it under his signatures, but it was only because of the fact that the same was accounted for on that date in books. The said remark is superfluous. The inquiry officer also referred to the practice prevailing in the bank in order to credit the excess amount in the bank's books next day. He writes :

Further the defence produced 3 more cash memos dated 4-5-83 (DEX-I), then 5-5-83 (DEX-II) and 31-5-83

(DEX-III) where similar remarks for excess cash/late payment were made with only initials of chief cashier and MW-1 has confirmed in his cross examination. Defence takes it as an accepted practice in the branch. This plea of defence has convincing force. Thus it can be said that the remarks on the cash memo of 3-6-83 was neither superfluous nor without the knowledge of branch manager. Hence, this charge has not been established.

Thus it becomes clear that the Enquiry Officer, who held inquiry into the charges against Shri R. P. Sharma upheld that there was such a practice and further found that all this was within the knowledge of the Acting Branch Manager Shri S. N. Mehrotra. I may state here that in his finding on charge No. 1 against the workman the E.O. has nowhere observed that such a practice did not prevail in the branch. All that he observed was that even in the presence of such a practice its impact had to be examined on circumstances of the case. In my view, the benefit of contrary findings must go to the workman. Both the things cannot be correct. When Shri R. P. Sharma Chief Cashier also stood charged in respect of matters arising out of excess amount received, the disciplinary authority and the appellate authority should have passed their orders after the inquiry reports against Shri R. P. Sharma, Shri S. N. Mehrotra and Shri Anil Kumar Mehrotra had been received. Had it been done, in all likelihood the workman would not have been held guilty of charge No. 1. Accordingly disagreeing with the finding of the E.O. on charge No. 1, I hold that this charge does not stand proved against the workman.

Charge No. 20

20. If the management fails on charge No. 1 then the management must also fail on charge No. 2. The workman had actually received Rs. 1632 from Shri Anant Ram Pandey and any alteration made in the draft voucher cannot be said as made with any mala fide intention. The matter having come to the notice of the Chief Cashier and even Acting Branch Manager, it was necessary to do so and it appears that the alteration was made bona fide within the knowledge of the above named officials. Therefore, on charge No. 2 also I disagree with the finding of the E.O.

Charge No. 3

21. In support of this charge the management representative examined Shri S. N. Mehrotra and Shri Purshottam Das Agarwal one of their customers. According to the workmen evidence adduced by the management at the inquiry on this charge is not convincing. Shri Purshottam Das Agarwal, has simply referred to verbal altercation. There is no doubt that Shri Agarwal has said so but it does not mean that the evidence adduced by the management at the domestic inquiry is not worthy of credence. According to Shri Mehrotra, the incident took place at about 9.30 a.m. and whereas according to Shri Agarwal, he had come at the branch at 9.45 a.m. Thus it appears that Shri Agarwal appeared when things were going on from before his arrival. Shri Mehrotra has deposed how the workman with 10-15 persons came shouting slogans in the bank and surrounded him from all sides. According to him they used filthy language against him and almost came on the verge of manhandling him. I must observe that there has been no proper cross examination of Shri S. N. Mehrotra by defence representative. Moreover, the evidence of Shri Mehrotra goes un rebutted. The defence representative did not examine the workman or Shri Awasthi who according to Shri Agarwal was involved in verbal altercation with Shri S. N. Mehrotra. It also appears that Shri Awasthi was not named by the workman or his defence representative as a witness to be examined in defence. So in the absence of any evidence in rebuttal, charge No. 3 was rightly held as proved against the workman by the Enquiry Officer.

22. As a result of the above findings, the order of punishment so far as it relates to awarding of punishment on charges No. 1 and 2 will have to be set aside. The workman was awarded punishment of stoppage of one increment permanently in respect of charge No. 1 and was further awarded stoppage of one increment permanently in

respect of charge No. 2. These charges having been found as not proved, the punishment in respect of charge No. 3, will therefore, only stand.

23. Held, therefore, that the action of the management of the Central Bank of India in stopping one increment each in respect of charge No. 1 and 2 of Shri S. N. Sinha, is neither illegal nor justified. However, rest of the order of punishment awarded to him being not unjustified is upheld.

24. The reference is, therefore, answered accordingly.

ARJAN DEV, Presiding Officer

[No. L-12012/336/86-D.II(A)]

का. आ. 2278 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनियन बैंक आफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार की 21-8-89 को प्राप्त हुआ था।

S.O. 2278.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the Union Bank of India and their workmen, which was received by the Central Government on the 21-8-1989.

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 277 of 1985

In the matter of dispute between :

The General Secretary.
U.P. Bank Employees Union.
168-Sohbatnabagh.
Allahabad.

AND

The Assistant General Manager,
Union Bank of India,
Hotel Clarks Building,
8-Mahatma Gandhi Marg, Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No.L-12012/44/85-D.II(A), dated 17th December 1985, has referred the following dispute for adjudication to this Tribunal :

Whether the action of the Management of Union Bank of India in stopping two annual increments of Shri S. N. Tripathi, Head Cashier Union Bank of India, Koelsa Branch, permanent having effect of postponing of future increments for two years, if fair, just and legal, if not, to what relief the workman concerned is entitled?

2. The admitted facts of the case are that Shri S. N. Tripathi, posted as Head Cashier in Koelsa Branch of Union Bank of India, was served with chargesheet dt. 18-2-81, containing charges of wilful insubordination or disobedience of lawful and reasonable orders of the superiors, doing acts prejudicial to the interest of the bank and failing to show proper consideration and courtesy towards customers, while on duty on grounds; (1) that on 18th April, 1980, at about 10.10 a.m. he refused to accept the cash from bank's customer and inspite of being advised by branch manager to accept the cash, he did not do so; (2) that on 19th April, 1980, at about 10.00 a.m. he refused to accept the cash

from bank's customers and inspite of being advised by the branch manager to accept the cash, he did not do so; that on 19th April, 1980, besides refusing to accept the cash from the customers he directed them to the branch manager to handover the cash to branch manager; and that he created an unhealthy atmosphere in the branch and caused troubles to the customers which might lead to earn bad name for the bank.

3. Departmental inquiry into the aforesaid charges against the workman was held by Shri M. S. Sondhi, who vide his inquiry report dated 30-6-81 found the above charges as proved against him. The E.O. in his capacity as disciplinary authority also issued a notice to the workman to show cause why his two annual increments be not stopped permanently and why in respect of the minor misconduct of failing to show proper consideration and courtesy towards customers while on duty he should not be issued a warning. After considering his reply to the show cause notice, the disciplinary authority confirmed the proposed punishment. Against the order of punishment, the workman filed an appeal which was dismissed by AGM (Appellate Authority) vide his order dt. 7-1-1982.

4. The dispute on behalf of the workman has been raised by the U.P. Bank Employees Union (hereinafter referred to as Union for the sake of convenience). The Union has challenged the order of punishment on a number of grounds. According to the Union, the E.O. did not conduct the departmental inquiry in accordance with the principles of natural justice. Being biased and prejudicial, the E.O. did not act impartially. Further the charges were vague and unspecific. The E.O. did not give the defence representative sufficient time for defence and for cross-examination of the witnesses. At the inquiry the department withheld important and material witnesses and some documents. The findings given by the E.O. are not based on legal evidence. Finally the punishment awarded to the workman is quite unjust. The Appellate Authority, did not consider workman's explanation. The Union, has therefore, prayed that the order of punishment be set aside.

5. The management on the other hand plead that the charges were neither vague nor unspecific. The management bank deny that the E.O. was biased and prejudiced against the workman. According to the management the E.O., afforded every reasonable opportunity to the workman to defend himself and he conducted the inquiry fairly and properly and in accordance with the principles of natural justice. The management further every dispute other plea on which the order of punishment has been challenged by the Union. The findings of the E.O., the management plead, are based on legal evidence. Lastly, the management plead that the punishment awarded to the workman by the disciplinary authority was not harsh. The management deny that appellat'e authority did not consider the various submissions made by the workman before the appellate authority. In the alternative the management plead that in case the tribunal comes to the conclusion that the domestic inquiry was not held in a fair and proper manner, the management be given an opportunity to prove the case on merits by producing appropriate evidence before the tribunal. Finally the management has raised the legal plea that the order of reference made by the Central Government is without jurisdiction inasmuch as the present dispute has been raised by the Union when it should have been espoused and sponsored by sizeable number of the bank.

6. In support of its case, the Union has filed the affidavit of the workman and in support of their case, the management have filed the affidavit of Shri S. N. Mehra, Personnel Officer of the Bank. Both sides have also placed reliance on documentary evidence.

7. In the instant case, the management have filed inquiry proceedings alongwith copy of findings and certain memos on 6-8-86. Formal proof of all these documents was waived by Shri V. N. Sekhari, the authorised representative for the workman. The copy of chargesheet does not seems to have been filed by either side. However, its full description appear in the findings given by the E.O.

8. I have gone through the charges and find that they are neither vague nor unspecific. In para 3 of his statement in 2427 GI/89—10

cross-examination, the workman has admitted that he had read the chargesheet and that he had understood the charges. Therefore, in this plea of the Union, I find no force.

9. I have also gone carefully through the copy of inquiry proceedings and the findings given by the E.O. and find that full opportunity was given to the workman to give his evidence. In the defence, the workman examined himself and two witnesses, namely, Shri Om Prakash Choubey and Shri V. P. Dubey. In para 4 of his statement in cross-examination, the workman has deposed that during the inquiry, he never made any written application before the E.O. to the effect that he had not been given full opportunity to defend himself. From page 3 of the findings recorded by E.I. I find that on 18-6-81 a prayer was made by the defence representative for allowing him half an hour time to cross-examine to Shri Jaiswal. The prayer was disallowed by the Enquiry Officer on the ground that the defence representative had sufficient time with him from 2.45 p.m. to 5 p.m. for preparing himself for cross-examination. To me the order refusing

to grant the prayer of the defence representative cannot be said as unjust. From page 10 of the copy of inquiry proceedings dated 18-6-81 it appears that at 2.45 p.m., it was on the request of the defence representative, that the proceedings were adjourned till 4 p.m. by the E.O. and when at 4 p.m. the E.O. took up further proceedings, instead of proceedings with the cross-examination of the witness the defence representative delivered a letter signed by him to the Enquiry Officer making certain allegations against the E.O. From the note made by the E.O. it appears that the defence representative had even held out threat to the Enquiry Officer. Thus it appears that instead of preparing himself for cross-examination of the witness, the defence representative prepared the aforesaid letter. Hence in the second contention of the Union that the workman was not given sufficient opportunity to defend himself and cross-examine the witness has no legs to stand upon.

10. Another plea raised by the Union is that copies of documents were not furnished to the workman/defence representative. There is no evidence to substantiate it. In para 3 of his statement in cross-examination, the workman has admitted that during the enquiry proceeding he had received copies of documents with annexures. According to him, in one of the annexures furnished to him some words which did exist in the original had been added by hand. However, the workman was unable to point out that annexures. During the course of his cross-examination, the workman admitted that no such fact had been stated by him in the claim statement, and rejoinder which were prepared by the Union under his instructions, he even admitted not to have any mention of it in his affidavit. In the circumstances no reliance can be placed on his testimony, on the alleged addition of words in the annexures.

11. Yet another plea raised by the Union is that the management withheld important witnesses. I fail to understand how the management can be compelled to produce each and every witness. It is for the management to decide as to how many witnesses they should examine to prove their case against the workman. If the workman had thought that if any such witnesses had been examined, they would have deposed in his favour, he was not prevented from presenting them in his defence. Therefore, no adverse inference can be drawn from this fact.

12. Thus I find that the inquiry proceedings were conducted by the E.O. in a fair and proper manner in accordance with the principles of natural justice. If one goes through the proceedings one will find that the E.O. had faithfully recorded every thing during the enquiry proceeding.

13. The findings recorded by the E.O. run into 14 odd pages. I may make it clear that this Tribunal has not to examine the findings of the E.O. as a court of appeal. What the tribunal has to see is whether such findings could be recorded on the basis of evidence or not. I have gone through the findings and find that the findings recorded cannot be any stretch of imagination be called as perverse. It was contended

by Shri K. N. Soni during the course of his arguments that at the inquiry proceedings the management representative did not examine any customer of the bank in whose presence the workman was said to have refused to accept deposits. There is no doubt about the fact that the management representative had not examined any customers of the bank, but that did not mean that the evidence of the branch manager and Accountant should be discarded straight away. They are respectable officers of the bank and there is nothing on record to show that either of them bore any enmity with the workman.

14. Another grievance of the Union is that the appellate authority did not consider the explanation given by the workman. On 9-11-87, the authorised representative for the management filed the copy of order dt. 7-1-82, of the appellate authority by means of which he confirmed the order of punishment passed by disciplinary authority. A bare reading of the order shows that the appellate authority has considered each and every point raised by him in appeal. It is a speaking and well reasoned order.

The only point which, therefore, requires to be seen is whether the order of punishment called for any interference i.e. to say whether on the basis of the charges proved the workman should have been awarded lesser punishment. In this contention I would like to refer to the following observations made by the E.O. appearing in his report :

I have to place on record that the behaviour of the defence representative throughout the inquiry proceedings was one of intimidation, coercion, terrorism, insulting and sarcastic. He made several objectionable remarks in respect of the management witnesses, management representative and Enquiry Officer. He not only harassed but also tried his utmost unnecessarily and want only delay the conduction of inquiry proceedings. At one stage besides using foul language he also threatened to badly harm E.O. after the enquiry was over.

It was argued by Shri K. L. Soni, that for making these observations there is nothing in the inquiry proceedings and if at all the E.O. was to make such observations, he ought to have made mention of the facts on which these observations are based in the inquiry proceedings. He should not have kept any thing in his heart. In this submission of Shri Soni I do not find force. I have just gone through the inquiry proceedings and find that the grounds for making these observations do appear on record. At page 6 of the inquiry proceedings he has written as under :

It is also placed on record that the defence representative Shri R. K. Agarwal is threatening the E.O. that he will see the E.O. after the inquiry is over. The defence representative has been using foul language. The branch manager Shri Jaiswal and Shri R. S. Oberoi are witnesses to this incident. The defence representative's bad behaviour is noted. He is advised to behave properly and cooperate at the inquiry.

It also appears from the inquiry proceedings that the defence representative and the workman both had refused to sign pages nos 6 to 10 of the inquiry proceedings.

Looking to the charges proved and the above observation it could not have been done without the connivance of the workman. In my view, the punishment awarded does not call for any interference.

In this case, the Union has filed copy of letter dt. 6-10-87 from the General Manager, to the workman appreciating the contribution made by the workman towards the bank's progress. It is true that a letter was written in appreciation of good service rendered for advancing the cause of the bank, but that does not give the workman liberty to become obstinate and insubordinate so much so as to work to the prejudicial interest of the bank.

Hence, the action of the Union Bank of India, in stopping two annual increments of the workmen permanently and

even by issuing a warning cannot be held as unfair, unjust and illegal.

The reference is answered accordingly.

ARJAN DEV, Presiding Officer

[No. L-12012/44/85-D.II(A)]

N. K. VERMA, Desk Officer

नई दिल्ली, 25 अगस्त, 1989

का. आ.—2279 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुवर्ण में केन्द्रीय सरकार जयपुर नागौर आंचलिक ग्रामीण बैंक के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण जयपुर के पंचाट को प्रकाशित करती है।

New Delhi, the 25th August, 1989

S.O. 2279.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure in the industrial dispute between the employers in relation to the Jaipur Nagpur Aanchalik Gramin Bank and their workmen.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,

RAJASTHAN, JAIPUR

Case No. CIT 34/82

REFERENCE :

Government of India, Ministry of Labour & Rehabilitation, New Delhi Order No. 12011/77/81-D.II(A) dated 11th November 1982.

In the matter of an Industrial Dispute

BETWEEN

Gramin Bank Employees Union, Jaipur

AND

Jaipur Nagaur Aanchalik Gramin Bank, Jaipur

PRESENT :

For the Union.—Shri R. C. Jain.

For the Bank.—Shri C. S. Mehta.

Jaipur, the 23rd March, 1987

AWARD

The Desk Officer, Government of India, Ministry of Labour & Rehabilitation, New Delhi vide his above cited notification has referred the following dispute to this tribunal for adjudication u/s 10(1) of the Industrial Disputes Act, 1947, hereinafter referred to as the Act :

Whether the demands of workmen of the Jaipur Nagaur Aanchalik Gramin Bank, Jaipur for (1) fixation of the Probationary period of Clerks, Junior Clerks and Field Assistants as six months, (b) payment of cash allowance of Rs. 25 Cycle allowance of Rs. 20 and officiating allowance at 20 per cent of pay for working in higher grades (c) grant of leave fare concession once in two years up to the limit of 1500 kms. of travel are justified ? If not, to what relief are the workmen concerned entitled.

2. It may be mentioned at the very outset that three demands covered under the foregoing head (b) in the reference have been met with the result that they no longer as the subject matter of the dispute before me. I have to confined myself only to two demands respectively covered under the head (a) and (c) in the reference.

3. In the statement of claim filed by Gramin Bank Employees Union, hereinafter referred to as the union, on behalf of the employees, it has been mentioned that the employees are in the employ of Jaipur Nagaur Aanchalik Gramin Bank, Jaipur, hereinafter referred to as the Bank. In the area covered by the bank it does similar business as is done by other banks. The employees themselves discharge duties and perform functions which are discharged and performed by the employees working in other Banks. As regards the first demand covered by head (a) in the reference it has been alleged that the present positions in the bank is that the employees are kept on probation in the first instance for one year. This period of one year is liable to be extended for a period of six months. This is a practice which is not followed in other banks. The position in other banks is that the period of probation is only for six months at the end of which an employee gets automatically confirmed. As regards the second demand covered by head (c) in the reference, it has been alleged that the facility concerning leave fare concession in two years upto a limit of 1500 kms. of travelling is admissible to the employees of other bank. This facility cannot be denied to the employees of the present bank.

4. In the reply filed on behalf of the bank it has been admitted that the employees are in the employ of the bank. It has been alleged that there is no similarity between the functions of the bank and those of other banks. The probation period has been provided for under the Rules of 1981 which are applicable to the bank. The Rules cannot be subjected to the amendment. It has, further, been alleged that the emoluments of the employees of the bank are fixed by the Reserve Bank, keeping in mind the emoluments and service conditions of the State Government employees in the region concerned.

Demand No. 1 :

5. No evidence has been produced in this case from either side. I have to place reliance upon the documents in the light of the arguments advanced before me. Shri R. C. Jain, learned representative, appearing on behalf of the union has referred me to the text of the paragraphs 495 of the Shastri Award as also to the text of the paragraph 21.18 of the Desai Award. He contends before me that as per the Shastri Award the period of probation is six months. This period of six months as per Desai Award is liable to be extended for a period of three months only in a case where the work of the employee is not found satisfactory. These awards are applicable to the employees of the other banks. He contends that these awards should be made applicable to the employees of the bank. He has also contended before me that while fixing the service conditions and emoluments of the employees of an industry the tribunal has to keep in mind the emoluments and service conditions in other industries of similar nature in the region. This principle of industry-cum-region has been elected to the detail of certainty. As against this Shri C. S. Mehta, learned representative, appearing on behalf of the bank, has returned me to Section 17 (2) of the Regional Rural Banks Act 1976 wherein it has been provided that no judgment, award, decree, decision or order of any tribunal, court or Authority made before this Act of 1976 came into force, can be made applicable to the Regional Rural Bank and for that matter to the bank itself. Hence, he contends, the Shastri and Desai Awards cannot be made applicable to the employees of the bank. I have given my careful consideration to the rival contentions in order to arrive at the correct conclusion in the case. The contention advanced before by Shri Jain appears to be correct. It is not in dispute before me that the bank transacts business which is similar to the business transacted by the other banks in the region. It is also clear from the record that the employees discharge duties and perform functions such as those which are discharged and performed by the employees of the other banks. In these circumstances I see no reason why any discrimination should be practised against the employees of the bank. Apart from this Shri Jain has taken assistance from the Desai Award and Shastri Award for the view point he has canvassed before me. He does not seek the implementation of these two awards as such. The principle of industry-cum-region is a principle which is to

be given effect in a case of this type. I, therefore, hold that this demand is a reasonable one.

Demand No. 2 (c) :

6. Shri S. C. Mehta has frankly conceded before me that this facility with regard to leave fare concession has been approved by the Central Government but it has not been made applicable to the employees of the bank because such facility is not available to the Government employees in the region. This contention goes to show that the demand is very reasonable. The implementation of the scheme approved by the Central Government cannot be made dependent upon the availability or otherwise of this facility to the State Government employees in the region. The Reserve Bank or the Central Government has to take into consideration the service conditions and emoluments which are applicable to the State Government employees in the region, but the service conditions and emoluments in the State Government employment cannot be looked upon as a decisive factor in the matter of granting such a facility to the employees of the bank. This demand is also reasonable and deserves to be accepted.

7. I make the award in favour of the employees and against the bank to the effect that the bank shall fix the period of probation of Clerks, Junior clerks and field Assistants for six months subject to the condition that where the bank finds the work of an employee unsatisfactory this period of probation shall be liable to be extended for a further period of three months and further the bank shall grant the facility of leave fare concession once in two years upto the limit of 1500 kms. of travel to its employees subject, of course, to the usual conditions.

8. The award may be sent to the Central Government for publication as per law.

J. P. BANSAL, Presiding Officer

[No. L-12011/77/81-D.II(A)/IR Bank D]

नई दिल्ली, 28 अगस्त, 1989

का. आ. 2280 औद्योगिक विवाद अधिनियम 1947 (1947 का 14) का धारा 17 के अनुकरण में, केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल लिमिटेड का भगवन्ध कोलिरी के प्रबंधन से सम्बद्ध निरीक्षणों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) धनबाद के पंचाट का प्रकाशित करता है।

New Delhi, the 28th August, 1989

S.O. 2280.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bhagaband Colliery of M/s. Bharat Coking Coal Ltd. and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 105 of 1987

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Bhagaband Area Office of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen : Shri Lalit Burman, Vice-President, United Coal Workers Union.

On behalf of the employers : Shri B. N. Prasad, Advocate.
STATE : Bihar. INDUSTRY : Coal.

Dated, Dhanbad, the 28th July, 1989

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (290)/86/D.III(A), dated, the 20th March, 1987.

SCHEDULE

"Whether the demand of United Coal Workers Union that the management of Bhagaband Area VII of M/s. Bharat Coking Coal Limited should treat the six workmen mentioned in the annexure below as regular departmental workmen of the Canteen in the Area Office and pay them wages as per their eligibility under the NCWA-III is justified? If so, to what relief are these workmen entitled?"

ANNEXURE

1. Shri Binod Modak S/o Kali Modak.
2. Shri Nirmal Kumar Singh, S/o Ram Narain Singh.
3. Shri Suresh Kumar S/o Diwakar.
4. Shri Lakhan Modak S/o Binod Modak.
5. Shri Sanj Modak S/o Hrishikesh Modak.
6. Shri Binod Kumar Singh S/o Shri Shantagan Prasad Singh.

The case of the workmen is that the concerned 6 workmen were working since before 1983 in the canteen of Bhagaband Area Office of M/s. BCCL. The said canteen of Bhagaband Area Office is situated within the precinct of the collieries under the Bhagaband area and is being utilised by the staff and the workmen of the area office and the collieries. The area management provided canteen building, furnitures and utensils and other equipment for running the said canteen. The area management also provided coal for fuel water and electricity free of cost to the canteen. The said concerned workmen who were working in the canteen demanded that they should be regularised as departmental workers and be paid the wages and other benefits of the NCWA-III. The management refused to concede to the demand of the workmen on various plea in total violation of the direction given in NCWA-III. Thereafter the union of the workmen raised an industrial dispute before the ALC(C), Dhanbad who started conciliation proceeding. The conciliation ended in failure and thereafter on failure report submitted to the Government, the present reference was made to this Tribunal for adjudication. The demand of the workmen that the concerned workmen should be treated as regular departmental workmen of the area management also provided coal for fuel water and other utensils as per NCWA-III with effect from 1-1-83 is fully justified and the workmen are entitled to the said relief. The action of the management in not regularising the concerned workmen as departmental workmen is wrong and unjustified. On the above facts it is prayed that the concerned workmen should be treated as regular departmental workmen of Bhagaband area office canteen and they should be paid the wages as per their eligibility under NCWA-III with effect from 1-1-83.

The case of the management is that the concerned workman Vinod Modak was running a private shop in the Company's premises at Bhagaband area which was wholly and fully financed and managed by Shri Vinod Modak. The functioning of the said shop was not supervised by the company either directly or through canteen managing committee. The management of Bhagaband area had no control over the prices of the articles charged by Shri Vinod Modak in his shop. He was charging the same rates which was prevalent in the market. The price charged by him were not on no profit and no loss basis. The concerned workman Shri Vinod Modak does not submit his account of his shop to the management nor his account were ever audited by the management. The persons working in his shop were appointed, supervised, controlled and paid by Shri Vinod Modak, shop keeper. The wages paid to his workmen was fixed by Shri Vinod Modak.

The wages being paid to his workmen was neither made at the approved payment counter of the management nor the payment of wages was supervised by the management. There is no employer and employee relationship between the persons working in the shop of Shri Vinod Modak and the management of BCCL. The shop of Shri Vinod Modak had not been given any subsidy by the management either financially or in the form of utensils furnitures and uniforms to the persons working in the shop of Shri Vinod Modak. The management did not enter into any contract with Shri Vinod Modak or anybody else to run the canteen at the Bhagaband area office. The management of BCCL is statutorily required to provide canteen in the mines, according to Mines Rules, 1952. Bhagaband area office is not a mine under the definition of the Mines Act and hence there is no obligation cast upon the management to a canteen at the area office. Under the provision of the Mines Rules canteens are to be provided only at such mine where 250 or more persons are working on any day. At Bhagaband area office only 200 persons were working on any day and hence there is no obligation upon the management to provide a canteen at Bhagaband area office. Under the Mines Rules canteens are to be provided only at such mine where there is advice/direction of the Chief Inspector of Mines. The management of Bhagaband area had never been directed by the Chief Inspector of Mine to provide a canteen at Bhagaband area office. The shop run by Shri Vinod Modak had never been inspected by the Mines Inspector as the shop of Binod Modak was not a canteen under the statute. A canteen has to run in an approved accommodation which has to be constructed in accordance with the plan approved by the Mines department. The shop of Shri Modak at Bhagaband area was not at the approved canteen building.

According to NCWA-III para 8.9.1 the management agreed that during the agreement period there would be a canteen in each of the collieries/establishment and the same would not be run by a contractor. The Bhagaband area office is neither a colliery nor an establishment. In BCCL apart from collieries there are other establishments such as washeries workshops and coke oven plants etc. The agreement does not show that the management has to provide canteen in all its offices. In some of the collieries/establishment canteen has not been provided by the Coal companies due to various reasons. The agreement relates to only such collieries and establishment having minimum of 250 workmen in the collieries/establishment. The union have agreed that during the operation of NCWA-III no demand will be made or dispute raised in respect of the matters settled by the agreement. Para 8.9.1 of NCWA-III is relating to canteens. The union cannot make a demand or raise dispute with regard to the same. NCWA-III also provides at para 13.3.1 that in case of any dispute or difficulty in interpretation or implementation of any clause of this agreement the same shall be referred to be settled by JBCCI or a sub-committee constituted by the JBCCI for the purpose of spirit of mutual good will. The instant dispute relates to alleged non-implementation of the agreement and there is also an element of doubt and difficulty in the interpretation of the above relevant clause of the agreement. The appropriate forum for resolving the same is JBCCI for the purpose of spirit of mutual goodwill. The union have taken up the matter with JBCCI instead of raising the industrial dispute. The claim of the union is false and fabricated. An attempt is being made to indulge fake persons in the service of the company by the union. Under the re-organisation of the administrative set up now Bhagaband area has been abolished and merged with Putki Balihari Project under the name Putki Balihari area. All the staff and the employees have been transferred to Putki Balihari except a few who are also likely to be shifted in near future. Hence there is no necessity for the management to run a canteen at Bhagaband area. On the above facts it is submitted by the management that there is no merit in the demand of the union and it may be held that the concerned 6 persons cannot be treated as employees of BCCL and they are not entitled to the wages under NCWA-III.

The points for consideration are :—

1. Whether the concerned workmen were running the canteen in Bhagaband area office for the staff and workmen of the area office and the colliery?

2. Whether the management was providing facilities to run the said canteen in the area office?
3. Whether the concerned workmen should be treated as regular departmental workmen of the canteen in the area office and
4. Whether the concerned workmen are entitled to the wages provided to the canteen workers?

The workmen have examined one witness and the management examined two witnesses in support of their respective case. The documents of the workmen are marked Ext. W-1 to W-7 and the documents of the management are marked Ext. M-1 to M-9.

Point Nos. 1 and 2

Both points are inter-connected and hence they are taken up together for convenience.

MW-1 Shri B. M. Lall was Dy. Chief Personnel Manager at Bhagaband area from April, 1984 to 3-2-89. He has stated that there was no canteen in Bhagaband area through out his period of posting there. He has admitted that Shri Vinod Modak had a private tea shop at Bhagaband Area like other shops in the area office. In cross-examination he has stated that Bhagaband area office is situated on the precincts of Kendwadhi colliery. He has further stated that the nearest mine of Kendwadhi colliery is at a distance of 100 yards from Bhagaband area office. He has also stated that No. 4 Pits of Kendwadhi colliery is at a distance of about 600 yards, EB section at a distance of about 900 yards from Bhagaband area office and that Bhagaband area hospital is at a distance of about 400 yards from Bhagaband area office. He has stated that Kendwadhi colliery had no canteen and even now Kendwadhi has no canteen and that it was having private shops like that of Shri Vinod Modak. When he has confronted with some specific question to show that the shop of Vinod Modak was actually the canteen of Bhagaband area, he very conveniently evaded to answer the relevant facts. When he was asked whether any coal card like Ext. W-1 was issued to Shri Vinod Modak to run the canteen he stated that he was not aware if any Coal card Ext. W-1 was issued to the canteen run by Shri Vinod Modak. Then he was confronted with a document Ext. W-3 which contains his signature. It was difficult for him to deny straightway his signature on Ext. W-3 and as such he evaded by saying that without looking to the original he cannot say if the photo copy Ext. W-5 bears his signature. This document Ext. W-3 is a noting sheet dated 31-7-86 in which it is stated that Shri Vinod Modak area office canteen had submitted a bill for Rs. 168 for supply of lunch, tea etc. to the Officer/Staff engaged during the registration of card. The relevant matter which emerges from Ext. W-3 is that Shri B. M. Lall had described the shop of Vinod Modak as area office canteen and it was for this reason that Shri Lall evaded that it contains his signature. It is clear from Ext. W-3 which is under the signature of MW-1 Shri B. M. Lall that Shri Vinod Modak was running a canteen in the area office Bhagaband Ext. W-1 is the coal issue card issued in the name of Vinod Modak proprietor of the canteen. MW-1 Shri Vinod Modak one of the concerned workman examined in this case has stated that the management used to supply coal to his canteen. He further stated that Ext. W-1 is a photo copy of coal issue card issued to him for the canteen for supply of coal. No one has come for the management to deny that the coal issue card Ext. W-1 was not issued to Shri Vinod Modak in the canteen at Bhagaband area and that coal was never supplied in the said canteen free of cost. Ext. W-4 Ext. W-5 and W-6 are pay orders in favour of Vinod Modak area office canteen. There is no denial by any witness or document of the management to show that these pay orders were not issued to Vinod Modak for supply of eatables in the area office. These 3 documents also show that the payment of bills was made to Shri Vinod Modak who was running the area office canteen. The management did not produce the records of the area office to show that no pay order like Ext. W-4, W-5 and W-6 or no noting sheet like Ext. W-3 ever existed in the area office. Accordingly I see no reason to disbelieve the said documents of the workmen which clearly describe that Shri Vinod Modak was running the area canteen office.

MW-1 has stated that there was a shed belonging to the management attached to the area office but outside its building

in which Vinod Modak was having his shop in that shed. He has also stated that Shri Vinod Modak was not authorised to run his shop in the shed and that Vinod Modak was just continuing his shop in the shed. He has stated that he had seen the shop of Vinod Modak in the shed. He has again evaded the question put by the workmen's representative whether he had seen any fan in the shed to which MW-1 stated that he cannot say if there was any fan in the shed. He admitted that they were having snacks and refreshment from the shops of Vinod Modak for which bills were submitted and payment were made by the management. The truth of the documents Ext. W-4, W-5 and W-6 find some authentication by this evidence of MW-1. I have already stated above that he was not aware of the Coal Issue Card Ext. W-1 issued to Shri Vinod Modak for the Area Office Canteen. But there is specific evidence of WW-1 that Coal Issue card Ext. W-1 was issued in the name of Binod Modak for the area canteen and that Coal was supplied on its basis for the canteen free of cost. We thus find from the evidence that Bhagaband area office was constituted on the precincts of the Kendwadhi colliery and that Kendwadhi colliery had no canteen. It is clear therefore that the management was not providing any canteen in Kendwadhi Colliery as required under para 8.9.1 of NCWA-III and as they evidence in the case has been led it appears that the area office canteen was catering for the staff and the workmen of the area office and the workmen of the colliery, and thus the management had any how satisfied the workmen that there was a canteen being run by the management.

In the agreement para 8.9.1 it is stated that the management agreed that there would be a canteen in each of the collieries of the establishment and the same would not be run by a contractor and that utensils and fuels required in the canteen was to be supplied by the colliery management and the management was also required to give certain amount to the canteen managing committee to enable the canteen to supply food articles at cheaper price. It is thus clear from para 8.9.1 that each colliery or establishment were to provide a canteen by the management. Establishment has not been defined in the I.D. Act but the common meaning of establishment will surely include the area office as an establishment as such the management was to provide a canteen not only in the colliery but also in its establishment. Admittedly, there was neither any other canteen in Bhagaband area office or in Kendwadhi colliery on whose precincts the Bhagaband area office as situated. It appears that the management was providing with an improvised canteen in the area office which was being run by Shri Vinod Modak for catering the necessities of the workmen and staff of the area office and Kendwadhi colliery.

The management has produced noting sheets Ext. M-4, M-6 and M-8 along with pay order and bills to show that the management of Bhagaband area office were getting their requirement of refreshment, tea etc. not only from Shri Vinod Modak but also from others and on its basis it is submitted on behalf of the management that Shri Vinod Modak was a shop keeper like others from whom the officers of the management were getting their supply of refreshment. It is true that the management was getting their supplies of refreshment from different shops MW-2 Shri Babulal Ram is working as PA in Bhagaband area in the personnel section. He has proved the documents Ext. M-4 to M-9. In cross-examination MW-2 has stated that the notesheets Ext. M-4 shows that guests from headquarters as well as from outside had come for whom coffee was provided by Shri Ramdeo. He further stated that Ext. W-8 shows that tea etc. were supplied for entertaining guests, VIPs committee members etc. by M/s. Ashoke Mistanna Bhandar and that Ext. M-6 shows that M/s. Ashoke Mistanna Bhandar had supplied light refreshment to entertain police personnel and on the visits of the Directors and coordination meeting of the area. It is submitted on behalf of the workmen on the said evidence of MW-2 that the management was indeed getting their supplies of refreshment from outside also when they had to entertain the VIPs and other important persons as the canteen of Shri Vinod Modak was catering ordinary eating materials. The workmen have thus tried to explain as that the management was getting their refreshment etc. from outside to entertain important persons but when it was an ordinary affair of the office, the officers used to get their supplies from the canteen of Shri Vinod Modak. The said document exhibited by the management cannot do away with the positive case

of the workmen that Shri Vinod Modak was running canteen in Bhagaband area office. The fact that the management was getting their supplies sometimes from other shops cannot disprove the fact of the canteen being run by Vinod Modak in Bhagaband area.

It is true that the management was not giving any cash financial help to Vinod Modak to run the area canteen but it appears that the management had provided coal, building, fan, electricity, water and some furniture to run the canteen in a shed of the area office. Under para 8.9.1 of NCWA-III, no doubt, states that the management will give certain amount to the canteen managing committee to enable the canteen to supply food articles at cheaper price. Admittedly the management did not give any subsidy in the shape of cash money to Shri Vinod Modak so that he can supply food articles at cheaper price. It is not a case of the workmen that the management was running the said canteen departmentally but their case is that they were running the said canteen since before NCWA-III and that after the agreement in NCWA-III vide para 8.9.1 the Canteen being run by Vinod Modak in the area office should be taken as the departmental canteen and that the concerned workmen working in the said canteen be regularised as workmen of the management and be paid the wages as provided for the canteen workers. The evidence in the case clearly shows that Shri Vinod Modak was running the canteen in the area office with the help of the concerned workmen and the management was accepting the said canteen as the area office canteen and as such I am of the opinion that the demand of the workmen for the regularisation of the concerned workmen as departmental workers of the canteen is not unjustified.

The management have produced attendance Registers of Bhagaband Area office Ext. M-3 and M-3/1 for the period from 6-8-85 to 5-9-85 in respect of the staff, drivers and Peons of the area office to show that the total No. of workmen in the area office was not more than 200. In fact Ext. M-3 and M-3/1 show the names of 181 staff only. On the basis of Ext. M-3 and M-3/1 it is submitted that the area office has not the strength of 250 or more persons as required under Rules 64 of Chapter IX of the Mines Rules. The Mines Rules provide for a canteen in the mine and not in the establishment. There is no such limitation of No. of the workmen in para 8.9.1. of NCWA-III and as such it is not necessary that the no. of workmen should be 250 in an establishment for providing canteen. In fact as the evidence has been adduced, it appears that the area office canteen being run by Vinod Modak was catering the needs not only of the staff and employees of Bhagaband area office but it was also providing the catering needs of the workmen of Kendwadih colliery and the No. of the employees of area office and the workmen of Kendwadih colliery which has more than 250 workmen. No evidence has been led on behalf of the management to show that the no. of persons employed in the area office and Kendwadih colliery was less than 250 persons. So even if it is taken that a canteen has to be provided by the management if the total no. of workmen is 250, the evidence in the case shows that the canteen being run by Shri Vinod Modak was catering the needs of more than 250 workmen of Bhagaband area office and Kendwadih colliery. The said conclusion cannot be said to be wide from the mark in as much as admittedly neither Kendwadih colliery nor Bhagaband area office was having any other canteen for its workmen. MW-1 has stated some facts to show that the management was not providing the facilities as required to be provided under para 8.9.1 of NCWA-III and as such the canteen being run by Shri Vinod Modak was not the area office canteen of the management. He has forgotten to envisage that the canteen being run by Shri Vinod Modak was not as yet a departmental canteen of the management so that all the facilities were provided to the said canteen. Admittedly, the canteen in the area office was being run by Shri Vinod Modak and some facilities had been provided by the management but it was not departmentalised so that all the facilities required to run a departmental canteen could be provided so that the employees may be supplied food articles at cheaper purchase.

The management has referred to photo copy of the representation Ext. M-1 dated 4-5-87 alleged to be signed by the workman of Bhagaband area canteen. It is stated in this

representation that there were 3 persons, namely, Anil Kumar Modak, Manu Modak and Sunil Gope who were working in the canteen along with Vinod Modak but their names are not stated in the schedule to the order of reference and instead 3 other names have been included in the schedule to the order of reference and instead 3 other names have been included in the schedule to the order of reference of this case. The management has itself filed another petition marked Ext. M-2 dated 15-9-87 which shows that one Shri Tribhuban Yadav, Typist had typed the representation (Ext. M-1) and that it was not read over to Vinod Modak and others and their signature/L11 was wrongly taken on it. It is also stated that Vinod Modak and others did not know Hindi and as such they had been duped to sign the said representation Ext. M-1. Ext. M-2 contains the signature of Vinod Modak, Lakhan Modak, Sunil Modak, who are admittedly the concerned workmen in the case. Ext. M-2 is also signed by Anil Kumar Modak, Manu Modak and Sunil Gope who had explained their grievances in Ext. M-1. It appears therefore that those 3 persons who were claiming to be the workmen of Bhagaband area canteen themselves stated in Ext. M-2 that their signature was wrongly obtained by duping them by Taribhuban Yadav Typist and that they do not claim to be the workmen of Bhagaband area canteen. WW-1 in his cross-examination has stated that Ext. M-1 was typed by Shri Tribhuban Naram Yadav. WW-1 has further stated that he had told the union leader about Ext. M-1 when the W.S. on behalf of the workmen was drafted and that he had told them about a month after the signing of Ext. M-1. There is no evidence on behalf of the management to show that Anil Kumar Modak, Manu Modak and Sunil Gope were working in the canteen of Vinod Modak. The persons, namely, Anil Kumar Modak Manu Modak and Sunil Modak have not been examined to state that they were working in the canteen of Vinod Modak and that the persons named in the schedule to the order of reference were not working in the canteen. Admittedly Vinod Modak was running the canteen. It will appear from Ext. M-1 that one Anil Kumar Modak was son of Vinod Modak. Had it been a fact that Anil Kumar Modak was working in the canteen of Vinod Modak. Sri Vinod Modak would not have come out with a case that Anil Kumar Modak was not working in his canteen. This fact alone goes to show the falsity of the claim made in Ext. M-1. I hold therefore that Ext. M-1 cannot be used to show that the concerned workman named in the schedule to the order of reference were not the workmen working in the canteen of Vinod Modak.

I hold therefore that the concerned workmen were running the canteen in Bhagaband area office for the staff and the workmen of the area office and the colliery. I further hold that the management was providing some facilities to run the said canteen in the area office but the management did not regularise the concerned workmen as their departmental workmen of the canteen.

Point Nos. 3 and 4

The evidence discussed above and finding arrived thereon shows that the concerned workmen Vinod Modak was running the canteen at Bhagaband area office. Ext. W-7 is the conciliation file of the Industrial Dispute raised by the union of the workmen. The entire conciliation file has been marked Ext. W-7 with the consent of the parties. At page 31 of Ext. W-7 there is minutes of discussion held on 12-8-85 between the management of Bhagaband area represented by the General Manager, Personnel Manager, and Dy. Personnel Manager and the representatives of RCMS. Item No. 8 shows that prior to the raising of the industrial dispute by the sponsoring union the RCMS had raised the question for departmentalisation of the Bhagaband area office canteen and thereupon it was decided by the management that steps be taken for speedy departmentalisation of the area office canteen. It is clear therefore that the demand of the workmen was not new and that the canteen being run in the area office actually was the canteen of the area office and therefore the management had decided to take early steps to departmentalise the said area office canteen. The said minutes of discussion dated 12-8-85 has not been denied. It is clear therefore that the management itself agreed to departmentalise the area office canteen as the same was running from before. Admittedly there was no other canteen in the area office except the canteen being run by Vinod Modak and as such it appears that the management had agreed to departmentalise

the area office canteen being run by Shri Vinod Modak. Clause 8.9.1 of NCWA-III shows that the management had agreed that there would be canteen in each of the collieries/establishment which would not be run by the contractors. The management vide note of discussion dated 12-8-86, it appears, had agreed to take steps for departmentalisation of the area office canteen taking into consideration the provision of clause 8.9.1 of NCWA-III. CIL and all its subsidiaries Cos were parties to the JBCCI of NCWA-III and as such the management of Bhagaband area had rightly decided to departmentalise the area office canteen which was being run by Shri Vinod Modak. The workmen have referred to an office order dated 18-8-86 at page 27 of Ext. W-7 which is an office order issued by the G.M. Bhagaband area by which 6 workmen were regularised and placed in grade/category as mentioned in the order as per award in Ref. Case No. 68 of 1982 in respect of Bararee Coke Canteen. Bararee Coke canteen is not a mine but is an establishment. It appears from the said office order that the G.M. Bhagaband area had in fact regularised the workmen in the canteen of Bararee Coke canteen as per Award in Ref. Case No. 68/82. In view of the facts and evidence in the case it appears quite apparent that the case of the concerned workmen who were all working in the area office canteen deserved to be regularised from the date when the industrial dispute was raised before the ALC(C). The Industrial Dispute appears to have been raised by the workmen before the ALC(C) on 3-2-86 and accordingly the concerned workmen are entitled to be regularised with effect from 3-2-86.

It appears from the evidence in the case that the canteen being run by Vinod Modak has been looked by the management after Bhagaband area office has shifted to Putki Bahari area recently and therefore the canteen is not being run and as such the canteen is not working. I have already discussed that the area office canteen being run by Shri Vinod Modak was catering the needs of the staff of Bhagaband area and also the workmen of Kendwadhi colliery as Kendwadhi colliery had admittedly no canteen of its own. In this view of the matter shifting or amalgamation of Bhagaband area to Putki Bahari area will not deprive the concerned workmen of the benefits of running the canteen in the area office building formerly belonging to Bhagaband area office. However, I think that as the canteen had not actually been departmentalised and all the benefits required to be given for the departmentalised canteen were not given to the area office canteen, I do not feel justified in passing an order for payment of wages/salary for the back period. However, the management is directed to departmentalise the area office canteen being run by Shri Vinod Modak with effect from 3-2-86. But the concerned workmen will not be entitled to any wages/salaries for the back period.

It will appear from page 81 of Wage Board Recommendation Vol. I that canteen supervisor or Manager has been placed in Clerical Grade-II, Asstt. Supervisor or Asstt. Manager has been placed in Clerical Grade-III, canteen cook has been placed in Grade-F and canteen boy has been placed in Grade-H. In the W.S. of the workmen specific designation of each concerned workman is stated but in evidence WW-1 has stated that he had appointed the other 5 concerned workmen in the canteen and that all the concerned workmen were jointly doing all jobs relating to the canteen. From the evidence therefore it appears that it cannot be decided as to what was the specific job being done by each of the concerned workman and as all of them were jointly doing all jobs relating to the canteen, I think that they cannot be given any higher category or grade than Grade-H. The management, therefore is directed to place all the 6 concerned workmen in Grade-H and will subsequently decide as to what grade should be given to each of the 6 concerned workmen after considering their qualification, the work which can be performed by them and their capability.

In the result, I hold that the demand of the United Coal Workers Union that the management of BCCL should treat the 6 concerned workmen as regular departmental workmen of the canteen in the area office is justified. The management is directed to pass an order of their regularisation as mentioned above with effect from 3-2-86 within one month from the date of publication of the Award. The management is further directed to place them in Grade-H and should pay

the salary/wage of Grade-H to the concerned workmen after verification of their identity.

This is my Award.

I. N. SINHA, Presiding Officer
[No. I-20012/296/86.D.IIIA IR(Coal-I)]

का. आ. 2281—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स भारत कोकिंग कोल लिमिटेड की भागाबंद कोलिरी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्म-कारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) धनबाद के पंचाट को प्रकाशित करता है।

S.O. 2281.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bhagaband Colliery of M/s. Bharat Coking Coal Ltd. and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 9 of 1988

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Kachhi Bahari Colliery of Messrs Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri Lalit Burman, Vice President, United Coal Workers Union.

On behalf of the employers—Shri B. Joshi, Advocate.
STATE : Bihar. INDUSTRY : Coal.

Dated, Dhanbad, the 2nd August, 1989

AWARD

The Govt. of India, Ministry of Labour and Rehabilitation in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 had referred the following dispute to the then Central Government Industrial Tribunal No. 3, Dhanbad vide Ministry's Order No. I-20012(284)/83-D.III(A), dated, the 7th February, 1984. Subsequently vide Ministry's Order No. S-11025/7/87-D. IV(B), dated, the 31-12-87 the said reference was transferred to this Tribunal

SCHEDULE

"Whether the action of the management of Bhagaband Colliery of Messrs Bharat Coking Coal Limited in not giving work to Smt. Nirwa Tantin (Wagon Loader) wife of late Lakhi Ram Tantin as per office order dated 22-8-1975 of the then sub-Area Manager is justified? If not, to what relief is she entitled?"

The case of the workmen is that the concerned workman Smt. Nirwa Tantin was employed in Bhagaband Colliery of M/s. B.C.C.L. as Casual wagon loader since 1971. By the order dated 22-8-75 she was transferred to Kachhi Bahari Colliery by the then Sub-area Manager as she was surplus in Bhagaband Colliery. The concerned workman accordingly reported for duty at Kachhi Bahari Colliery but she was not allowed to join to work by the management of Kachchi Bahari Colliery. Thereafter she fell ill and her husband Lakhiram Tantin died and she also fell ill. After recovery she approached the management for joining duty but neither the management of Bhagaband colliery nor the management

of Kachhi Balihari colliery allowed her to join the colliery. The management of Bhagaband colliery refused on the ground that she was already transferred to Kachhi Balihari colliery whereas the management of Kachhi Balihari colliery refused to join her duties stating that there was no room for employment in the said colliery. The concerned workman is an illiterate widow and she kept idle all along while she was made to run from one colliery to the other. On 15-12-80 she sent Regd. letter to the General Manager, Bhagaband colliery seeking his intervention but without any effect. She again filed an application dated 28-1-88 but she was not allowed to join duty. During the intervening period the management took on casual loading a large number of unlisted casual workers who had 110, 75 and even 50 days attendance but the concerned workman was not taken on the casual roll. It is submitted that the action of the management of Bhagaband colliery in not giving work to her as per the office order dated 22-8-75 and refusing her employment was not justified. On the above facts it is prayed that the concerned workman may be reinstated in post with full back wages and other benefits.

The case of the management is that there is no employer-employee relationship between the management of Kachhi Balihari colliery and the concerned workman. She was never an employee of Kachhi Balihari colliery and no demand was raised with Kachhi Balihari colliery. Nirwa Tantin was working as a Casual loader at Bhagaband colliery in the year 1975. The wagon loaders became surplus to the requirement of Bhagaband colliery on account of re-organisation scheme and they were accommodated at neighbouring collieries instead of being retrenched. A casual wagon loader was being employed for a particular day only to meet the exigency of circumstances for that day alone. There used to be erratic supply of wagon on the railway sidings for loading of coal. On some days the wagons supplied was nil whereas on some days many wagons used to be supplied. In order to load excess wagon supplied on particular day, casual wagon loaders used to be employed. All such casual wagon loaders were provided with identity card for identification and permitting the loading staff to engage them on the days whenever required. The concerned workman was one of such casual wagon loaders. She was transferred to Kachhi Balihari colliery along with many others in August, 1975 to work as casual wagon loader. The concerned workman did not report for duties in 1975 and is raising the dispute after a long time with some malafide motive. The union has concocted the case on her behalf and has alleged that the concerned workman reported for duty and the management did not give her work. There was no reason to refuse or not to give her work had she reported for duty at Kachhi Balihari colliery. A casual worker cannot claim job as a matter of right and if no job is available the management may not give job to a casual worker. As she was a casual worker she had no right to demand for work under any provision of law. As she had not put in continuous service and had not 240 days attendance in a calendar year, she was not covered under Section 25F of the I.D. Act and she is not entitled to any relief.

The point for decision is whether the management of Bhagaband colliery was justified in not giving work to the concerned workman Smt. Nirwa Tantin as per office order dated 22-8-75.

The management and the workmen each examined one witness in support of their respective case. The documents of the management are marked Ext. M-1 to M-3 and the documents of the workmen are marked Ext. W-1 to W-4.

It is the admitted case of the parties that Smt. Nirwa Tantin was working as casual wagon loader in Bhagaband colliery and that by order dated 22-8-75 she was transferred to Kachhi Balihari colliery. The difference of the case of the parties begins from this stage. The case of the workman is that the concerned workman reported for duty after her transfer to Kachhi Balihari colliery but she was not allowed to join whereas the case of the management is that she did not report for duty at Kachhi Balihari colliery. W-1 is the concerned workman Nirwa Tantin. She has stated that

22 wagon loaders had been transferred along with her from Bhagaband colliery to Kachhi Balihari colliery but none of them were allowed to join at Kachhi Balihari colliery and were returned back to Bhagaband colliery after about 2 months of their report at Kachhi Balihari colliery. She has stated that within the said period her husband died and she could not attend Bhagaband colliery for about 4 months due to the death of her husband. She has stated that she had not left work of her own accord or that she did not intend to work in the colliery. In her cross-examination she has stated that she did not go to Bhagaband colliery for about 4 months after the death of her husband and thereafter she was regularly going to Bhagaband colliery. In her further cross-examination she has stated that wagon loaders who were transferred along with her and had joined earlier for duty at Kachhi Balihari colliery were allowed to join their duty but those who reported subsequently at Kachhi Balihari colliery were not allowed to join. It appears therefore that as she had reported at Kachhi Balihari colliery after some time and as such she was not allowed to join. MW-1 is P.O.'s clerk in Bhagaband colliery. He has proved Ext. M-1 to M-3. Ext. M-1 dated 28-8-1975 is the office order transferring 22 casual wagon loaders from Bhagaband colliery to Kachhi Balihari colliery which includes the name of the concerned workman Smt. Nirwa Tantin. Ext. M-2 is the extract from identity card register of Bhagaband colliery which shows that Nirwa Tantin was a casual wagon loader whose date of employment was 17-10-71. Ext. M-3 is the Form B Register of Bhagaband colliery which also shows that the concerned workman was a wagon loader. As it is admitted case of the parties that the concerned workman was casual wagon loader these exhibits namely Ext. M-1 to M-3 are not of much importance for the purpose of showing that the concerned workman was a casual wagon loader.

No one has been examined on behalf of the management to show that the concerned workman Nirwa Tantin had not reported for duty at Kachhi Balihari colliery as is being asserted by her. Thus the evidence of the concerned workman has remained in tact and there is nothing to show that she had not reported for joining at Kachhi Balihari colliery on her transfer from Bhagaband colliery.

Ext. W-1 is the identity card issued to the concerned workman by Bhagaband colliery on 4-9-75 in which she has been shown as casual wagon loader. Ext. W-2 dated 28-1-81, Ext. W-3 dated 15-12-80 are the applications sent by the concerned workman under Regd. cover. The registration receipt of the said applications are marked Ext. W-4 and W-4/1. These letters show that the concerned workman was praying to the General Manager of Bhagaband colliery for giving her work. She also tried to explain as to why she was not able to join earlier. Admittedly she is an illiterate lady. We cannot expect necessary and prompt communication from her. She has tried to explain the reason as to why she could not join at Bhagaband after she was refused to join at Kachhi Balihari colliery on the ground of the death of her husband and her long illness. As she had not joined at Bhagaband colliery soon after she was refused to join at Kachhi Balihari colliery, the management of Bhagaband was within their power not to allow the concerned workman to join as Casual wagon loader and accordingly the concerned workman is not entitled to back wages.

It will appear from the evidence of MW-1 that after transfer of the 22 casual wagon loaders the delisted casual wagon loaders of Bhagaband colliery were brought on the roll as casual wagon loader on the strength of their attendance and they were provided work as wagon loader as and when required. He has further stated that many of the delisted casual wagon loaders who were brought on the rolls as casual wagon loaders were subsequently regularised as casual wagon loaders on completing attendance of 240 days and subsequently they were made permanent. The identity card Ext. W-1 shows 17-10-71 as the date of employment of the concerned workman. In Ext. M-2 the date of employment of the concerned workman is stated to be 17-10-74. In the cross-examination of MW-1 it is challenged that 17-10-71 is the date of employment of the concerned workman an interpolation has been made to make it

17-10-74. On perusal of Ext. W-1 it appears that there is no scope of any interpolation in the date of employment of the concerned workman in it and as such the date of employment as shown in Ext. M-2 appears to be doubtful and the same cannot be accepted in the face of the date of employment stated as 17-10-71 in Ext. W-1. The management has not produced attendance Register of the concerned workman to show her attendance but it is clearly stated in the W.S. of the management that the concerned workman had not completed attendance of 240 days in a year. The concerned workman also did not state that she had completed attendance of 240 days in any year of her employment. It will appear from para 8 of the W.S. of the workman that the management took on casual roll a large number of unlisted casual workers who had attendance of about 75 days or even attendance of 50 days. The management did not say that the concerned workman had not fulfilled the attendance of 75 days or 100 days. The management had enrolled unlisted casual wagon loaders as badli workmen who had completed 50 days or more of attendance. The case of the concerned workman should also be considered for enrolling her as badli workman as it appears that during her employment from 1971 to 22-8-75 when she was transferred to Kuchchi Balihari colliery, she must have completed attendance of more than 100 days.

In the result, I hold that the action of the management of Bhagaband Colliery of M/s. BCCL in not giving work to the concerned workman Smt. Nirwa Tanti, wagon loader per order dated 22-8-75 is justified. However, the management is directed to enroll the concerned workman as badli workman and she may be provided with work whenever the management so require within one month from the date of publication of the Award.

This is my Award.

I. N. SINHA, Presiding Officer
(No. I-20012/264/83-D.3(A)/IR (Coal-I))

नई दिल्ली, 30 अगस्त 1989

का.आ. 2282.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार समस्त भारत कोकिंग कोल लिमिटेड की आम्लाबाद कोलिरी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्म-कारों के बीच, अनुबंध के निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1) खनन के खंड को प्रकाशित करती है।

New Delhi, the 30th August, 1989

S.O. 2282.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1) Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Amlabad Colliery of M/s. Bharat Coking Coal Limited and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947
Reference No. 127 of 1988

PARTIES:

Employers in relation to the management of Amlabad Colliery of M/s. Bharat Coking Coal Limited.

AND

Their Workmen

APPEARANCES:

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Sri J. D. Lal, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 12th June, 1989

2427 GI/89—11

AWARD

By Order No. L-20012/175/79-D.III(A) dated the 29th January, 1980, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication:

“Whether the demand of the workmen of Amlabad Colliery of M/s. Bharat Coking Coal Limited, P.O. Bhowra, District Dhanbad that the workmen mentioned in Annexure ‘A’ should be regularised as Watermen Category-I is justified? If so, to what relief are the said workmen entitled?”

ANNEXURE-A

1. Shri Radha Nath Choudhary.
2. Shri Akuri Rajwar,
3. Shri Kisto Rajwar,
4. Shri Mukutdhari Singh,
5. Shri Kamrao Rajwar,
6. Shri Some Mahto,
7. Shri Ruplal Mahto,
8. Shri Maheshwar Mahto.

2. The case of the concerned workmen as appearing from the written statement submitted on their behalf by the Secretary of the sponsoring union, namely Bihar Colliery Kamgar Union, Dhanbad, bereft of details, is as follows:

The concerned workmen listed in the Annexure to the schedule of the reference have been working in Amlabad Colliery as Watermen for the last several years continuously. In the course of their duties they supply drinking water drawn from the wells to the quarters of the employees working in the colliery and also to the offices for drinking purpose during office hours. As per Coal Wage Board recommendations Watermen are placed in Category-I and so they are entitled to be paid Category-I wages and other emoluments, such as quarterly bonus, profit sharing bonus and leave wages. But the management of Amlabad Colliery has been paying them a petty sum on piece-rated basis and denying them their legal dues. The action of the management in not paying them proper wages as per Coal Wage Board recommendations and other legal dues tantamounts to unfair labour practice. Being aggrieved by the action of the management, they made several representations to the management for paying them proper wages and other legal dues, but no action was taken on their representations. Ultimately they made a representation dated 1st December, 1977 through their union in this regard for proper payment of wages, but even then no action was taken in the matter. Ultimately they raised industrial dispute through their union before the A.L.C.(C) Dhanbad. The management came out with an untenable plea before the A.L.C. that they were so called independent contractors supplying water on piece rate basis. They are workmen as per definition of the Industrial Disputes Act and by no stretch of imagination they can be regarded as independent contractors. Such plea of the management is also contrary to the provisions of Contract Labour (Regulation and Abolition) Act, 1970. Under the provisions of Section 19 of the Mines Act it is statutory duty of the management of a mine to make arrangement for drinking water for its employees and workmen and as such they have been engaged to fulfil the statutory obligation of the management. Accordingly they should be regarded as employees of Bharat Coking Coal Ltd., and the concerned colliery or mine. This contention of the union is also supported by the decision of the Supreme Court. In an identical case the A.L.C.(C) has given arbitration award against the management of Bharat Coking Coal Ltd., holding that the workmen engaged in supplying drinking water to the employees of a mine are employees of Bharat Coking Coal Ltd., and the concerned mine. It is not open to the management of Amlabad Colliery to contend that they are not workmen of Amlabad Colliery inasmuch as the terms of reference as given in the schedule of reference describes them as workmen and the only question left for adjudication is their regularisation in Category-I as per Coal Wage Board recommendations. They are entitled to be regularised as workmen in Category-I as per Coal Wage Board recommendations.

In the circumstances, the union has prayed that the demand of the concerned workmen for regularisation as Workmen in Category-I is justified and they should be paid full wages and other arrears as admissible to them.

3. The case of the management of Amlabad Colliery of M/s. Bharat Coking Coal Limited as appearing from the written statement submitted by it, briefly stated, is as follows:

The present reference is not legally maintainable. The concerned persons are not employees of any mine and hence the Central Government has got no jurisdiction to make this reference. There exists no relationship of employer and employee between the management on one hand and the concerned persons on the other and so the reference is not maintainable. The concerned persons were mere suppliers of water to staff quarters and labour dhawras of the management. They are paid at the rate of 50 paise per bhar of river water and 19 paise per bhar of well water. This was a stop gap arrangement and permanent arrangement of regular supply of filtered water is likely to start functioning shortly. The concerned persons work independently without any control or supervision of the officials of the management. They engaged themselves in supplying water not only to the colliery employees at their quarters and residences but to the villagers of the locality. They are engaged in the trade of supplying/selling water at the door steps and people in general purchase water from them. The present reference is incompetent and without any merit and the demand of the concerned persons to be employed as Category-I mazdoor is unjustified and without any basis.

4. In rejoinder to the written statement of the management the sponsoring union has stated that the present reference is maintainable. The union has asserted that the concerned workmen are employed in a mine and supplying drinking water to the employees and workmen of the mine. The employer has to make proper arrangement for supply of drinking water to its employees under the provisions of Section 19 of the Mines Act and as such the concerned workmen are engaged to fulfil such statutory obligation of the management under the Mines Act. Hence they are employees of M/s. Bharat Coking Coal Ltd., in law as well as in fact. The very fact that the concerned workmen supply drinking water at the instance of the management makes them the employees of the management and no amount of subterfuge will hide this real fact. The concerned workmen have been engaged in supplying water to the employees for the last several years and hence it cannot be said that it is a stop gap arrangement. Even if regular supplying of filtered water is ensured they will not cease to be the employees of employers. They do not supply water to the villagers. The supply of water is made from the wells of the management and so they cannot and do not sell water door to door as alleged.

In rejoinder to the written statement of the sponsoring union the management has stated that the concerned persons were never the workmen of Amlabad Colliery and since they are not workmen of the colliery, they are not entitled to Category-I wages. The union has made confusion over the definition of the word 'mine' as contend in the Mines Act, 1952. Section 19 of the Mines Act has got no manner of application with regard to quarters, houses and offices of the colliery at which the concerned persons supply drinking water. The true import of the word has not been appreciated by the union. The demand of the concerned workmen for regularisation in service as Category-I mazdoor is without any basis and so it should be dismissed.

5. The sponsoring union has examined one of the concerned workmen Radha Nath Choudhary as WW-1 and laid in evidence a copy of the Arbitration Award passed by the A.L.C.(C) Dhanbad-II (Ext. W-1). On the other hand the management has examined two witnesses namely MW-1 Sri M. S. Bussan, Area Manager and MW-2 Sri Suresh Sharma, Personnel Officer of Amlabad Colliery and laid in evidence a series of documents which have been marked Exts. M-1 to M-12.

6. The appropriate Government, in the present case, the Central Government, referred the present industrial dispute to Central Government Industrial Tribunal No. 3, Dhanbad for adjudication. The Reference case was registered as Reference Case No. 11 of 1980 by the Central Government Industrial Tribunal No. 3 at Dhanbad and Sri J. N. Singh, the

then Presiding Officer by his award dated 3rd April, 1982 held that reference could be made by the Central Government only if a workman was engaged in a mine and that since the concerned workmen were not workmen in a mine, their demand for regularising them in Category-I was not justified and so the concerned workmen were not entitled to any relief.

The matter, presumably at the instance of the concerned workmen, went up before the Hon'ble Patna High Court. The Hon'ble Court has held that the Coal Industry has been declared as a controlled industry under the provisions of Industries (Development and Regulation) Act, 1951 and that the Central Government has also specified the Coal Industry as controlled industry by issuing an appropriate notification under the provisions of Industrial Disputes Act and this being the position Central Government was appropriate Government to refer this present industrial dispute to the Industrial Tribunal for adjudication. In other words, it has been held by the Hon'ble Court that the industrial dispute is maintainable and that the Central Government is the appropriate Government under the Industrial Disputes Act competent to refer this dispute for adjudication by Industrial Tribunal.

7. The case of the concerned workmen is that they have been working in Amlabad Colliery of M/s. B.C.C. Ltd., as Workmen for the last several years continuously and that they have been supplying drinking water from the wells to the quarters of the employees working in the colliery and also to the offices for drinking purpose during office hours. WW-1 Radha Nath Chowdhury one of the concerned workmen has stated that they supply drinking water in the bungalows of officers, staff and in the offices and the management pays them wages through vouchers. He has further stated that they are paid monthly, but they do not get bonus, leave etc. and that they are entitled to wages available to workmen of Category-I. His evidence indicates that they draw water from river as well as wells and give supply in the bungalows of officers, staff and in the offices. Thus the evidence of this witness establishes the fact that the concerned workmen have been supplying drinking water in the bungalows of officers, staff and in the offices by drawing the same from wells and river. MW-1 Sri M. S. Bussan has stated that some outsiders were engaged by the management for supplying drinking water to staff and officers. He has asserted that these persons were not the employees of the management, but they were paid on the basis of quantum of water supplied by them. The management has filed some diaries of the concerned workmen Exts. M-3 to M-8 to show the quantum of water supplied by concerned persons. The management has also filed some vouchers which have been marked Ext. M-9 series. These vouchers establish the fact that the concerned workmen supplied drinking water to the officers, staff and offices at different periods. This being the evidence and pleadings, it has been established beyond doubt that the concerned persons were engaged in supplying water to the bungalows of the officers, quarter of the employees and in the office of the colliery by drawing the same from river and wells.

8. 'Mine' has been defined in Section 2(j) of the Mines Act, 1952 as follows:

"(j) 'mine' means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, and includes—

- (i) every shaft in the course of being sunk;
- (ii) every level and inclined plane in the course of being driven;
- (iii) all shafts, levels, planes, machinery, works, tramways and sidings, whether above or below ground in or adjacent to and belonging to, the mine;
- (iv) any workshop situated within the precincts of the mine and under the same management and used solely for purposes connected with that mine or a number of mines under the same management;
- (v) any power station for supplying electricity solely for the purpose of working the mine, or any group of mines; and
- (vi) unless exempted by the Central Government by notification in the Official Gazette, any premises or

part thereof on which any process ancillary to the getting, dressing or preparation for sale of minerals or of coke is being carried on;"

There is no evidence on record to show that the Officers' Bungalows, staff quarters or Office of the colliery are such premises where any process ancillary to getting, dressing or preparation for sale of minerals or of coke were/is being carried on. That being so, the concerned workmen were not engaged in supplying water to mine.

9. Now it remains to be seen whether the concerned workmen have been supplying water to the controlled industry as per notification of the Central Government dated 5th January, 1957. The notification was issued by the Central Government in pursuance of Sub-clause (i) of Clause (a) of Section 2 of the Industrial Disputes Act and the Central Government specified for the purpose of that sub-clause that part of coal industry as 'controlled industry' which is engaged in the manufacture or production of coal including coke and other derivatives which has been declared as 'controlled industry' under Section 2 of the Industries (Development and Regulation) Act, 1951. There is no vestige of evidence on record to establish the fact that the concerned workmen were engaged in supplying water to the controlled industry (coal industry) engaged in manufacture or production of coal including coke and other derivatives. Hence it cannot be held that the concerned persons were engaged in supplying drinking water to any controlled industry.

10. Sri J. D. Lal, Advocate for the concerned workmen has contended that since in the terms of reference the concerned workmen has been described as workmen, the management cannot resile from this position and contend that the concerned workmen are not their workmen. He has cited before me the decision reported in S.C.L.J. Vol. 4, page 2307 Supreme Court (Delhi Cloth and General Mills Co. Ltd. and Workmen and others). But it is bounden duty of the Tribunal to look to the pleadings of the parties to find out the exact nature of the dispute because the order of reference is not always specific on the point. The pleadings of the parties indicate that while on the one hand the sponsoring union has been claiming that the concerned workmen were the workmen of Amlabad colliery, while the management of Amlabad colliery has been denying this fact. In the context of these pleadings it cannot be held, as Sri Lal would have believe me that in view of the terms of reference the concerned workmen should be held to be the concerned workmen of Amlabad colliery.

11. The evidence laid by the parties indicates that the concerned workmen were engaged in supplying water to the bungalows of the officers, staff quarters and in the office of the colliery at different varying rates depending upon the sources from which water was obtained, river or well. Evidence also indicates that the concerned workmen used to supply water in the morning and in the evening and that their earnings in a month were not of uniform nature. Thus it is established that the concerned workmen had no fixed duty hours and no fixed monthly earnings although they were paid from the coffers of the management. There is also no evidence that the management had any supervision or control over their work. The names of the concerned workmen also do not appear in the B Form registers (Exts. M-1, M-2 & M-10 to M-12) produced by the management. Sri B. Joshi, Advocate for the management has submitted that supply of water to the officers' bungalows, quarters and office of the colliery by the concerned persons was a stop gap arrangement till regular supply of filtered water could be made by functional arrangement. MW-1 Sri M. S. Bussan was posted to Amlabad Colliery till 2nd October, 1980; he has stated that during his period supply system of drinking water was not complete. His evidence indicates that the management was endeavouring to establish supply system of drinking water.

12. Sri J. D. Lal has contended that the management has got an obligation to supply drinking water to its employees. He has pointed out that Section 19 of the Mines Act provides that the management should make effective arrangements to provide sufficient supply of drinking water. He has also pointed out the relevant provisions of N.C.W.A.-III. Indeed, supply of drinking water in the mine is an obligation of the management. But then the concerned workmen were not engaged in supplying water to any point of mine. The provisions of N.C.W.A.-III envisages that the management should embark on schemes of water supply to the employees of the

colliery. The management of Amlabad colliery was endeavouring to do so by installation of supply system as the evidence of MW-1 indicates. Sri Lal has taken me through an arbitration award rendered by the A.L.C.(C) Dhanbad-II dated 29th August, 1977 (Ext. W-1). From this arbitration award it appears that Chatradhari Gope was engaged at Godhur Colliery to supply water from company's water taps at different working points. This being so, Gope was engaged in supplying water to a premises appertaining to mine. But in the present case none of the concerned workmen was engaged in supplying drinking water to any premises of the mine or to any premises of the controlled industry.

13. In view of my discussion above, I come to the conclusion that the concerned workmen are not entitled to be regularised as Watermen in Category-I.

14. Accordingly the following award is rendered.

The demand of the workmen of Amlabad Colliery of M/s. Bharat Coking Coal Ltd., Dhanbad that the concerned workmen as mentioned in the Annexure-A should be regularise as Watermen in Category-I is not justified.

In the circumstances of the case, I award no costs.

S. K. MITRA, Presiding Officer

[No. L-26012(175)/79-D.III(A)/R (Coal-I)]

K. J. DYVA PRASAD, Desk Officer

नई दिल्ली, 25 अगस्त, 1989

का.आ. 2283.—औद्योगिक नियोजन (स्वायी आदेश) अधिनियम, 1946 (1946 का 20) की धारा 2 के खंड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारत सरकार, श्रम मंत्रालय की अधिसूचना संख्या का. आ. 4287, दिनांक 14 अक्तूबर, 1976 और का. आ. 469, दिनांक 30-1-84 को निरस्त करती है।

[फा. सं एस-11025/3/86-सी.एल.टी./सी.एन.एस.1/समन्वय]

आर. के. दास, अवसर सचिव

New Delhi, the 25th August, 1989

S.O. 2283.—In exercise of the powers conferred by clause (c) of Section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), the Central Government hereby rescinds the notifications of the Government of India in the Ministry of Labour, Nos. S.O. 4287, dated the 14th October, 1976 and S.O. 469, dated the 30th January, 1984.

[F. No. S-11025/3/86-CLT/CLS-I/Coord.]

R. K. DAS, Under Secy.

नई दिल्ली, 30 अगस्त, 1989]

का.आ. 2284.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भाखड़ा बियाम मैनेजमेंट बोर्ड के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-8-89 प्राप्त हुआ था।

New Delhi, the 30th August, 1989

S.O. 2284.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bhakra Beas Management Board and their workmen which was received by the Central Government on the 17-8-89.

ANNEXURE

BEFORE SHRI M. S. NAGRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 68/86

PARTIES:

Employers in relation to the management of Bhakra
Beas Management Board, Nangal Township, Nangal.

AND

Their workman, Kuldeep Singh.

APPEARANCES:

For the workman: Shri R. K. Singh.

For the management: Shri C. Lal.

AWARD

Chandigarh, dated the 27th July, 1989

On a dispute raised by Kuldeep Singh against Bhakra Beas Management Board, Central Government had Vide No. L-42012/10/86-D.II(B) dated 18th December, 1986 referred the following dispute to this Tribunal for decision:

"Whether the action of the management of BBMS in terminating the services of Shri Kuldeep Singh, Chowkidar w.e.f. 18-1-1985 was just and legal? If not, to what relief is the workman entitled to?"

2. Case of the workman as set out in the statement of claim is that Kuldeep Singh workman was employed as chowkidar with effect from 26-9-81 by the Resident Engineer Ganguwal and Kotla Lower Houses Division Ganguwal. He remained continuously employed till 17-1-1985 and w.e.f. 18-1-1985 his services were terminated by way of one month retrenchment notice vide Resident Engineer Memo No. 11445/WC-14 dated 18-12-1984. It is pleaded that the order of termination is illegal since workman was neither given one month notice or wages in lieu thereof nor he was paid retrenchment compensation which is precedent to the retrenchment. It is pleaded further that Bhola Nath who had joined service on 23-9-1983 as contingent paid chowkidar and junior to the petitioner has been retained in service. He submits further that one Gurdial Singh appointed as daily labourer was conveyed as work charged chowkidar at Ganguwal and thus there is violation of Section 25-G of the I.D. Act. He submitted further that there is non-compliance of Section 25-N of the I.D. Act as well since notice of three months which was required to be served as envisaged under the said provisions was not served on the petitioner. Petitioner seeks re-employment with full back wages.

3. In its answer filed the management took plea that the workman was served with one month notice on 18-12-1984 expiring on 17-1-1985 with further direction to collect the amount of retrenchment compensation but he refused to acknowledge the receipt of the notice and did not turn up to receive compensation. The workman however received the notice on 22-12-1984 and he was again informed through Regd. A.D. letters dated 6-3-1985 and 14-3-1985 to collect the amount of retrenchment compensation but he failed to receive the same. Ultimately the amount was refitted through money order vide M.O. receipt No. 15011 dated 14-3-1985 and the same was also received back with the remark of postal authorities 'left without address'. It is mentioned that Kuldeep Singh was employed as contingent paid chowkidar w.e.f. 26-9-1981 in the BBMB at Kotla against vacancy caused by absence of one Shri Pritpal Singh. Retrenchment of Kuldeep Singh had to be resorted to with the re-instatement of Pritpal Singh whose services have been terminated due to absence from duty. As regard retention of Bhola Nath it is pleaded that Bhola Nath was working as sweeper-cum-chowkidar in the BBMB Middle School, Ganguwal and not as a contingent paid chowkidar and seniority of both categories was distinct as was the nature of their duties. Regarding Gurdial Singh it is pleaded that he was working as chowkidar on regular basis having different service conditions. It is pleaded that provisions of Section 25-N are not applicable to the BBMB.

4. Parties were allowed opportunity to lead evidence and they avail this opportunity. Petitioner filed affidavit Ex.

W-1 and tender copies Ex. W-2 to W-9 of departmental letters. He admitted his signatures on letter dated 18-12-1984 (copy Ex. M-7) regarding receipt of the letter by him on 22-12-1984. He also admitted he has got re-employment in the office of Resident Engineer Ganguwal since March, 1988. In rebuttal the management filed affidavit Ex. M-1 of P. P. Bhamri Resident Engineer Ganguwal who also tendered copies Ex. M-2 to M-4 in evidence. During his cross-examination Shri P. P. Bhamri admitted that notice dated 18-12-1984 was sent to the Medical Officer Kotla for delivery to the workman and notice copy of which is Ex. M-7 was delivered to the workman on 22-12-1984.

Learned counsel for the workman submits that retrenchment notice is short by four days in as much as the notice issued on 18-12-1984 by the Resident Engineer Ganguwal Power House was served by the medical officer BBMB Dispensary Kotla Power House. Kuldeep Singh on 22-12-1984 as evidence from the photo copy which is Ex. M-7. The management has taken plea in para No. 4 of the written statement that notice was served upon the petitioner on 18-12-1984 but he refused to acknowledge the same and later on the workman received the notice on 22-12-1984. The management has not led any evidence what so ever to show if notice dated 18-12-1984 was presented to Kuldeep Singh on 18-12-1984 and if Kuldeep Singh had refused to acknowledge the receipt of the same on that day. The management had filed affidavit Ex. M-1 of P. P. Bhamri. There is no mention in it if notice was served upon the petitioner on 18-12-1984. The evidence on the file rather shows that retrenchment notice dated 18-12-1984 (copy Ex. M-5) was issued by Resident Engineer BBMB Ganguwal to Kuldeep Singh C/o Medical Officer BBMB Dispensary Kotla & copy of the same forwarded to medical officer Kotla for information and necessary action. There is further direction that the enclosed letter bearing No. 11445 dated 18-12-1984 may be delivered to Kuldeep Singh chowkidar under proper acknowledgement and the same may be sent to the office of undersigned i.e. Resident Engineer Ganguwal duly countersigned for reference and record. Copy Ex. M-5 of the office order was actually served upon Kuldeep Singh on 22-12-1984 under his signatures and same was sent back to the Resident Engineer BBMB Ganguwal. In absence of any evidence if the office order dated 18-12-1984 was served on the same day on Kuldeep Singh notice of retrenchment of Kuldeep Singh expiring as 17-1-1985 falls short of statutory period of 30 days. As regards payment of retrenchment compensation it is condition precedent to retrenchment. Management through retrenchment notice dated 18-12-1984 (copy Ex. M-5) had informed the workman that a sum of Rs. 600/- has worked out as retrenchment compensation under Section 25-F of the I. D. Act, 1947 and he was advised to receive the amount of retrenchment compensation on or before 17-1-1985. The offer of retrenchment compensation earlier to retrenchment as defined must be genuine. Offer made in the case in hand was an unconditional offer for payment preceding retrenchment and in the given circumstances of the case it is equivalent to payment. Subsequent events shows that management had even sent intimation through regd. notice to Kuldeep Singh to collect the compensation also and sent the same through money order subsequent to his retrenchment. There has been no violation regarding payment of retrenchment compensation but action of the management suffers from legal infirmity as notice of retrenchment was short by 4 days in as much as retrenchment notice intimating retrenchment w.e.f. 17-1-1985 was served on 22-12-1984 and the petitioner was not given 30 days clear notice of retrenchment.

The reference is returned with the findings that action of the management of BBMB in terminating the services of Shri Kuldeep Singh Chowkidar w.e.f. 18-1-1985 is illegal in as much as there is non-compliance of statutory provisions of Section 25-F of the Industrial Disputes Act, 1947. The petitioner is entitled to re-instatement with full back wages and other attendant benefits for the period 18-1-1985 to 10-3-1988 i.e. his date of re-employment.

Chandigarh, 27-7-1989.

M. S. NAGRA, Presiding Officer.
[No. L-42012/10/86-D. II (B)]

का.आ. 2285.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत सरकार प्रेस, शिमला के प्रबंधन से सम्बद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-8-89 प्राप्त हुआ था।

S.O. 2285.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Government of India Press, Shimla and their workmen, which was received by the Central Government on the 17th August, 1989.

ANNEXURE

BEFORE SHRI M. S. NAGRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM LABOUR COURT, CHANDIGARH

Case No. I.D. 33/87

PARTIES:

Employers in relation to the management of Government of India Press, Shimla.

Vs.

Their workmen.

APPEARANCES:

For the workmen—Shri Kula Nand Sayal.

For the management—None.

AWARD

Dated, the 26th July, 1989

On a dispute raised by three workmen against Government of India Press Simla, Central Government had vide No. L-16011(1)/86-D.II(B) dated 26th May, 1987 and corrigendum dated 26th September, 1988 referred the following dispute to this Tribunal for decision:

"Whether the action of the management of Government of India Press, Shimla in denying officiating allowance to their employees, namely, Shri Dhani Ram Upredi, Officiating Head Reader for the period 22nd March, 1979 to 4th July, 1979, Shri Kula Nand Sayal officiating reader grade I for the period 1st January, 1979 to 4th July, 1979 and denying him old pay scale of Rs. 425—600 and also regularisation in the post of reader grade I in the scale of pay of Rs. 425—600 since 6th November, 1978, and further denying officiating allowance to Shri Dhan Singh reader grade I w.e.f. 6th July, 1979 to 18th August, 1980 is justified? If not, to what relief are these workmen entitled to?"

2. Case of the workmen as set out in the statement of claim is that in public interest workmen were directed by the management to perform the duties of higher responsibilities on the promotional side of head reader and reader grade I as per recruitment rules. Shri Dhani Ram Upredi actually performed the duties of head reader from 22nd March, 1979 to 4th July, 1979 even though he had attained the age of 58 years on 31st March, 1979. Shri Kula Nand Sayal has been denied officiating benefits on the post of reader grade I for the period 1st January, 1979 to 4th July, 1979. He claimed that though his case for promotion on the post of reader grade I had been recommended by the departmental promotion committee but the management reverted him to lower post from 1st February, 1982 and reduced his basic pay from Rs. 545 to Rs. 500. It is pleaded that he may be allowed to opt old scale of Rs. 425—600 in accordance with recruitment rules 1975 and he may be allowed officiating pay, arrears of wages as well as difference of reader scale inclusive of D.A., I.D.A. and other related benefits. Similarly Dhan Singh has been

denied officiating allowance for the period 6th July, 1978 to 18th August, 1980.

3. In its answer filed the management has admitted that Dhani Ram Upredi being a senior most reader grade I was allowed to officiate as head reader purely on ad hoc basis in the leave vacancy vice Shri Mangal Singh with effect from 6th November, 1978 to 16th December, 1978 vide manager's orders dated 24th November, 1978 subject to approval of the Director, Directorate of Printing, New Delhi who turned down the proposal sent to him. Since Mangal Singh then incumbent of post of head reader did not resume his duty on 17th December, 1978, fresh proposal was sent to Directorate of Printing, New Delhi who again turned down the proposal. On receipt of the communication, the officiating arrangement made verbal after 17th December, 1978 was discontinued with effect from 21st March, 1979 and ex-post facto approval of Shri Upredi as head reader for the period 6th November, 1978 to 21st March, 1979 was received from the Directorate of Printing. The appointment order for the said period was issued to Shri Upredi and officiating benefits were paid to him. As regards Shri Kula Nand Sayal reader grade II, it is stated that he was allowed to officiate as reader grade I in the resultant change arrangement of Shri Dhani Ram Upredi which stood automatically terminated with effect from 21st March, 1979 and there is no question of payment of any officiating benefits to Kula Nand Sayal for the period 22nd March, 1979 to 4th July, 1979. As regard officiating benefits to Kula Nand Sayal from 1st January, 1979 to 31st March, 1979 it is stated that two grades of reader Grade I and Grade II in the pay scale of Rs. 425—600 and Rs. 330—480 respectively were merged into one grade w.e.f. 1st January, 1979, redesignated as reader in the pay scale of Rs. 380—560. There was thus no chance for retaining Kula Nand Sayal on the basis of reader grade I from 1st January, 1979 and as such he is not entitled to officiating allowance for the period 1st January, 1979 to 31st March, 1979. It is admitted that case of Shri Sayal for regularisation to the post of reader Grade I was submitted to Departmental Promotion Committee which recommended his regularisation with effect from 31st August, 1979 but the recommendation could not be materialised since two grades of readers have been merged into one with effect from 1st January, 1979. It is stated further that Kula Nand Sayal reader grade II had been appointed reader grade I purely on ad hoc basis at pay of Rs. 500 per month with the clear understanding that he had no right for continuance on this post and his appointed remained on ad hoc basis till date of office circular dated 19th September, 1981. It is pleaded that as there was no reader grade I in existence with effect from 1st January, 1979 hence it was not possible to regularise Kula Nand Sayal on post of reader Grade I and retain him in the old pay scale permissible to reader grade I. Accordingly he was brought to the merged grade of reader in the pay scale of Rs. 330—560 and his pay was fixed at Rs. 488 per month taking into account the pay on his substantive post of reader grade II with effect from 1st January, 1979 which was subsequently raised on his annual increments. As regard Dhan Singh's claim for officiating allowance for the period 6th July, 1979 to 18th July, 1980 it is pleaded that he was allowed to officiate as reader grade I purely on ad hoc basis in the resultant chain arrangement vice Shri M. P. Bhatia as per managers order dated 6th July, 1979 with the clear understanding that the financial benefits will be paid on receipt of approval from the Directorate of Printing, New Delhi in the case of Head Reader and the sanction was ultimately received on 12th September, 1983 and in the meantime to grades of readers were merged into one grade with effect from 1st January, 1979 and Dhan Singh brought to the merged grade of reader from the said date i.e. 1st January, 1979 and as there is no question of any payment of officiating benefits for the period 6th July, 1979 to 18th August, 1980 to him. Alongwith reply the management also file the attested copies of correspondence exchanged with the Directorate of Printing, New Delhi and copy of order No. 16/3(4)/83-AK-I dated 12th September, 1983 from the Assistant Directorate of Printing granting ex-post facto approval to the appointment of Dhani Ram Upredi as head reader on ad hoc basis for the period 6th November, 1978 to 31st March, 1979. Copy of Office order No. PF/79-Estt. 1/7239 dated 12th September, 1979 appointing K. N. Sayal reader grade II to reader grade I in the pay scale of Rs. 425—560 with effect from 5th July, 1979 vice Dhani Ram Upredi purely on temporary basis. It was ordered that the latter will draw Rs. 500 as reader grade I. Management also filed copy of office order No. W-12015/No. II/79-Estt. I (Part)/8613 dated 19th September, 1981 ordering merger of two grades

reader grade I of Rs. 425—600 and reader grade II of Rs. 330—480 into one grade in the pay scale of Rs. 330—560 to take effect from 1st January, 1979.

Parties were allowed opportunity to lead evidence and only workmen availed the same. The management absented from the proceedings. Kula Nand Sayal (one of the workman filed affidavit Ex. W1 in support of his contention simply affirming that the workers Union Letter dated 24th February, 1988 and 28th June, 1978 are true to the best of knowledge and belief.

Learned representative of the workman has argued that irrespective of the fact that Dhani Ram Upredi attained the age of superannuation on 31st March, 1979, there is no denial by the management to the fact that he continued to officiate as head reader up to 4th July, 1979. The material placed by the parties on the files does show that the authorities had recommended approval for payment of officiating allowance to Dhani Ram Upredi up to 30th June, 1979. Shri S. N. Gupta Asstt. Director through his letter dated 12th September, 1983 accorded ex-post-facto sanction to the appointment of Shri Dhani Ram Upredi as head reader on ad hoc basis for the period 6th November, 1978 to 31st March, 1979. He has been admittedly paid officiating benefits for the period ending 22-3-1979 coinciding with his age of superannuation. He was allowed to continue up to 4th July, 1979 even after his superannuation for the reasons best known to the management and he cannot be denied officiating benefits for the period 22nd March, 1979 to 4th July, 1979 which he has calculated at Rs. 450. In the absence of any controversy about calculations Dhani Ram Upredi is entitled to officiating benefits of Rs. 450 claimed by him for the period 22nd March, 1979 to 4th July, 1979.

As regard claim of Kula Nand Sayal Reader Grade II it is admitted case that in the resultant change arrangement Shri Kula Nand Sayal reader grade II was allowed to officiate as reader grade I. There is no denial that Shri Kula Nand Sayal had officiated as reader grade I during the period in question i.e. 1st January, 1979 to 4th July, 1979. He has been paid officiating benefits for the remaining period but denied the benefits w.e.f. 1st January, 1979 for the reason that the management through its order No. W-12015/Vo. II/79-Estt. I (Part)/8615 dated 19th September, 1981 had merged the two grades of reader Grade I and reader Grade II with retrospective effect from 1st January, 1979. However during the intervening period he was appointed as reader grade I w.e.f. 5th July, 1979 purely on ad hoc basis with further order to draw Rs. 500 per month in the scale of Rs. 425—560 permissible to reader grade I. As long as the order about merger of two grades of reader grade I and reader grade II holds the field Shri Kula Nand Sayal is not entitled to officiating benefits of the post of reader grade I for the period 1st January, 1979 onwards. Thus he is not entitled to officiating benefits for the period 1st January, 1979 to 4th July, 1979. As regards his claim to be allowed to opt scale of Rs. 425—600 the same cannot be accepted once report of the categorisation committee in respect of reader and fixation of pay thereof had been implemented and his pay fixed in the merged scale.

Shri Dhan Singh officiating reader grade I has claimed officiating benefits for the period 6th July, 1979 to 18th August, 1980 but in view of the merger of the post of grade I and grade II with effect from 1st January, 1979, his claim for the subsequent period i.e. 6th July, 1979 to 18th August, 1980 cannot be accepted.

The reference is returned with the findings that action of the Government of India Shimla in denying officiating benefits to Shri Dhani Ram Upredi then officiating as head reader, for the period 22nd March, 1979 to 4th July, 1979 is not justified and he is entitled to a sum of Rs. 450 on account of officiating benefits. The action of the management in denying to Kula Nand Sayal officiating benefits for the period 1st January, 1979 to 4th July, 1979; old pay scale of Rs. 425—600 and denying regularisation of Kula Nand Sayal in the post of reader grade I in the pay scale of Rs. 425—600 since 6th November, 1978, is justified. Management was also justified in denying officiating benefits to Dhan Singh for the period 6th July, 1979 to 18th August, 1980 and both Kula

Nand Sayal and Dhan Singh are not entitled to any relief whatsoever.

Chandigarh,

The 26th July, 1989.

M. S. NAGRA, Presiding Officer
[No. L-16011/1/86-D.II(B)]

का.आ. 2286.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरदर्शन केन्द्र, श्रीनगर के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-8-89 प्राप्त हुआ था।

S.O. 2286.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Doordarshan Kendra, Srinagar and their workmen, which was received by the Central Government on the 17-8-1989:

ANNEXURE

BEFORE SHRI M. S. NAGRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 70/87

PARTIES:

Employers in relation to the management of Doordarshan Kendra, Srinagar.

AND

Their workmen: Ali Mohd. Ghasi and O. K. Rajdan.

APPEARANCES:

For the workmen: Shri L. K. Jalali.

For the management: Shri N. K. Zakhmi.

AWARD

Dated, the 20th July, 1989

On a dispute raised by Ali Mohd. Ghasi and O. K. Rajdan, Central Government vide No. L-42012/143/86-D.II(B) dated 24th August, 1987 had referred the following dispute to this Tribunal for decision:

"Whether the action of the management of Assistant Station Engineer, Doordarshan in terminating Shri Ali Mohd. Ghasi son of Shri Shams-ud-Ghasi and Opender Krishan Razdan son of Shri Girdhari Lal Razdan Mechanic Helpers from service and not offering them re-employment is legal and justified? If not, to what relief the concerned workmen are entitled?"

2. Case of the workmen Ali Mohd. Ghasi and Opender Krishan Razdan is that they were employed as mechanic helper in Doordarshan Kendra in the month of February and April 1985 respectively and their services were illegally terminated during May 1986 without serving any notice and payment of retrenchment compensation to them as they had completed 240 days of service. It is mentioned that services of the petitioners were terminated mala fide by the management only with an oblique motive to employ their own men namely Virender Kumar and Mr. Qurashi who were appointed immediately after the termination of the services of the petitioners.

3. In its answer filed the management took plea that petitioners were engaged on daily wages for various durations and not continuously as contended by them and were paid wages as per rates admissible to them for the days they

attended their assignments. It is contended that as the petitioners had been employed on daily wage basis no notice was required to be given to them and there has been no violation of any law or procedure.

4. Parties were allowed opportunity to lead evidence in support of their claims. Ali Mohd. Ghasi and O. K. Razdan appeared as witnesses in their favour. They made statements that number of working days specified by the manage-

ment is not correct and that they had worked during September 1985 also. In rebuttal Shri Janki Nath Asstt. Engineer Doordarshan Kendra Srinagar filed affidavit Ex. M1 to the effect that Ali, Mohd, Ghasi and Opinder Krishan Razdan were engaged as casual labour on daily wage basis and had worked intermittently as and when required and not on regular basis. He has given detail of the days for which they had worked which reads as under :

Shri Opender Kumar Razdan		Ali Mohd Ghasi	
1. April, 1985	16 days	1. February 1985	7 days
2. May 1985	26 days	2. March 1985	29 days
3. June 1985	28 days	3. April, 1985	21 days
4. July 1985	20 days	4. May 1985	29 days
5. August 1985	29 days	5. June 1985	29 days
6. Sept. 1985	2 days	6. July 1985	20 days
7. October 1985	29 days	7. August 1985	29 days
8. Nov. 1985	28 days	8. Sept. 1985	8 days
9. Dec. 1985	28 days	9. October 1985	29 days
10. Jan. 1986	28 days	10. Nov. 1985	28 days
11. Feb. 1986	28 days	11. Dec. 1985	28 days
12. March 1986	9 days	12. Jan. 1986	28 days
13. April 1986	28 days	13. Feb. 1986	28 days
14. May 1986	29 days	14. March 1986	14 days
		15. April 1986	28 days
		16. May 1986	29 days

He submitted that workmen had not completed 240 days continuously with the management during the period of 12 calendar months preceding the date with reference to which the calculation is to be made. Alongwith the affidavit he also filed photocopies Ex. M2 to M14 of the muster roll showing dates of their attendance and the payment of wages made to them. He has solemnly affirmed that the workmen who were purely temporary basis were disengaged as there was no work for them.

Learned counsel for the workman has argued that the management has given two days notional breaks in a month and at the same time had not taken into account national holidays and all this was done to frustrate the workmen from attaining rights under Chapter 5-A of the Industrial Disputes Act, 1947. In support of his arguments he has placed reliance on case of Kapurthala Central Co-operative Bank Ltd. Vs. Kapurthala Vs. Presiding Officer, Labour Court, Jalandhar and others 1984 Lab. I.C. 974 wherein a Division Bench of Punjab and Haryana High Court has held that the practice of retrenching a workman close to his attaining a year's continuous service in order to frustrate his attaining rights under Chapter V-A Industrial Disputes Act is an unfair labour practice, unless there are reasons with the employer with regard to the conduct and service of the workman being unsatisfactory. How close should be such period towards attaining a year's continuous service and to come within the purview of 'unfair labour practice' is a question dependent on the facts and circumstances of each case. He has also referred me to Supreme Court Judgement in case of Workmen of American Express International Banking Corporation Vs. Management of American Express International Banking Corporation 1986 Lab. I.C. S.C. 98 wherein Supreme Court was pleased to hold that expression "actually worked under the employer" can not mean those days only when the workman worked with hammer, sickle-pen, but must necessarily comprehend all those days during which he was in the employment of the employer and for which he had been paid wages either under express or implied contract of service or by compulsion of statute, standing order etc. defined and explained under Section 25-B of the Industrial Disputes Act, 1947. Supreme Court has further held in this case that Sundays and National Holidays for which wages are paid under the law, by contract or statute should be treated as days on which employee 'actually worked under the employer' for the purpose of Section 25B of the I.D. Act, 1947. In the case in hand services of the petitioner were dispensed with during May 1986 and in the 12 preceding months i.e. June 1985 to May 1986. Opender Krishan Razdan petitioner had

worked for 230 days and Ali Mohd. Ghasi had worked for 213 days. Counsel for the petitioners has pointed out that in Kapurthala Central Co-operative Bank Ltd. Vs. Presiding Officer, Labour Court, Jalandhar and others 1984 Lab. I.C. 974 as well the workman in that case had also worked for 230 days as in the case of Opender Krishan Razdan. In view of the ratio of the said case termination of those who are on the verge of completing 240 days was an unfair labour practice. In Kapurthala Central Co-operative Banks Case the workmen had been employed for specific period and after one day break they were re-appointed. It was under the directions of the Registrar that services of the workmen in the said case were terminated though their working were satisfactorily and others had been recruited in their place. The present petitioners can avail benefit of the ratio of the said authority only if the case falls within the ambit of unfair labour practice. Unlike the facts in Kapurthala Central Co-operative Bank's case, the case in hand is not that of notional breaks. Petitioners were engaged as a casual labourer on daily wages basis. In the 12 months preceding to termination of their services Shri O. K. Razdan had worked from 2 days minimum working during September 1985 to maximum of 29 days working during months of August, October, 1985 and May 1986. Similarly Ali Mohd. Ghasi had worked minimum of 8 days in September 1985 to the maximum of 29 days during August, October 1985 and May 1986. During the months August, October, November and December 1985 and April and May, 1986 both the petitioner had worked from 28 to 29 days. Taking into consideration the nature of their employment it can not be accepted as a case of notional breaks when they had not worked at all during January, 1986. Shri Opinder Krishan Razdan had worked only for 2 days during September 1985 and Ali Mohd. Ghasi for only 8 days during the said month. During March 1986 O. K. Razdan, Opinder Krishan Razdan had worked for only 9 days and Ali Mohd. Ghasi for 14 days. During July 1985 both of them had worked for 20 days. Ali Mohd. Ghasi who had worked only for 213 days till his retrenchment during May 1986 cannot reach the proximity of 240 days even if he is given benefit of two to three days of non-employment during the months of August, October, November and December, 1985 and April and May, 1986. Question arise whether Opender Krishan Razdan who had worked for 230 days and was near the target of 240 days can be allowed benefit of days for which he was not employed. In the case of Workmen of American Express International Banking Corporation 1986 Lab. I.C. 98 the Supreme Court had allowed benefits for the days for which wages are paid under the law by contract or by statute and relief in the case was given by taking into the provisions of Delhi Shops and Commercial

Establishment Act which envisages that if an employee is employed on daily wages he shall none the less be paid his daily wage for the holidays. In the case in hand a comparative study of the calendar for the year 1985 and 1986 with the muster roll (copies Ex. M-2 to M-14) regarding days of employment and the wages paid to the petitioners in a particular month shows that in the months during which O. K. Razdan had worked for 28/29 days he had been employed even on Sundays as well. In the said seven months during which he had been employed for 28/29 days he was not employed for 15 days in all. Out of which there was only eight Sundays and none of the other seven days was a national holidays. Even if Opendar Krishan Razdan is allowed benefit of eight Sundays his total service comes to 238 days (230 plus 8 Sundays) that falls short of statutory period of 240 days. Ali Mohd. Ghasi is however no where near the goal. It is neither case of notional breaks nor case where petitioners had remained non-employed on Sundays and National Holidays. They had rather worked most of the Sundays and National Holidays during the months when they had rendered services for 28/29 days. They were engaged as casual labourer on daily wage basis. There is sole testimony of Janki Nath Asstt. Engineer that the workmen were retrenched as there was no work for them. There is no satisfactory evidence on the file to show if Varinder Kumar and Mr. Quareshi were employed after termination of the services of the claimants without offering re-employment to the petitioners as alleged.

The reference is returned with the finding that termination of services of Shri Opendar Krishan Razdan and Ali Mohd. Ghasi is in no way illegal. The action of the manage-

ment was legal and justified and they are not entitled to any relief.

Chandigarh :
26-7-1989

M. S. NAGRA, Presiding Officer
[No. L-42012/143/86-D.II(B)]
HARI SINGH, Desk Officer

नई दिल्ली, 31 अगस्त, 1989

का.आ. 2287.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार श्री एम. एस. पाराशर अवर सचिव को उत्प्रवासी संरक्षी - 1, बम्बई के रूप में दिनांक 1 सितम्बर, 1989 से अगला आदेश जारी होने तक नियुक्त करती है।

[सं. ए-22012 (1)/89-उ.प्र]
प्रदीप सिंह, अवर सचिव

New Delhi, the 31st August, 1989

S.O. 2287.—In exercise of the power conferred by Section 3(i) of the Emigration Act, 1983 (31 of 1983), the Central Government hereby appoints Shri S. S. Prashar, Under Secretary, Ministry of Labour as Protector of Emigrants-I, Bombay in the office of the Protector of Emigrants, Bombay with effect from 1st September, 1989 till further orders.

[No. A-22012/1/89-Emig.]
PRADEEP SINGH, Under Secy.